



Premier Roy
1874.

ANNO TRICESIMO-SEPTIMO

VICTORIÆ REGINÆ.

CAP. LI.

An Act to revise and consolidate the Charter of the City of Montreal and the several Acts amending the same.

[Assented to 28th January, 1874.]

WHEREAS it is expedient to revise and consolidate the Preamble.
 provisions of the act of the legislature of the heretofore province of Canada, made and passed in the fourteenth and fifteenth year of Her Majesty's reign, and intituled:—
An act to amend and consolidate the provisions of the ordinance to incorporate the city and town of Montreal, and of a certain ordinance and certain acts amending the same, and to vest certain other powers in the corporation of the said city of Montreal, and of the several acts amending the same, and to vest certain other powers in the corporation of the city of Montreal, hereby constituted; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

CORPORATION.

1. The inhabitants of the said city of Montreal, and their Inhabitants incorporated.
 successors, inhabitants of the same, shall be a body corporate in fact and in name, by and under the name and title of *The city of Montreal*, and as such shall have perpetual succession, and a common seal, with power to break, renew, Name and general powers.
 change and alter the same at pleasure; and shall be capable of suing and being sued, and of impleading and being impleaded, in all courts of law and equity, and other places, in all manner of actions, causes and matters whatsoever, and of accepting, taking, purchasing and holding goods and chattels, lands and tenements, real and personal, movable, and immovable estate, and of granting, selling, alienating, assigning, dismissing, and conveying the same, and of entering into and becoming a party to contracts, and for granting and accepting any bills, bonds, judgments or other instruments or securities, for the payment or securing of the payment of any money borrowed or lent, or the performance of any other duty, matter or thing whatsoever.

per "Leasing?"
Donner
la concession française

CITY BOUNDARIES.

Corporate
limit estab-
lished.

2. The tract of land which, in and by a certain proclamation of His Excellency Alured Clarke, esquire, lieutenant-governor of the heretofore province of Lower Canada, issued under the great seal of the said last mentioned province, and bearing date the seventh day of May, in the year of Our Lord, one thousand seven hundred and ninety-two, was and is described as being comprehended within the city and town of Montreal, and which is therein declared, should be thenceforward called by that name, shall, as provided by the said act, constitute and be, and be called, the city of Montreal.

Division into
wards.

3. 1. For the purposes of this act, the said city of Montreal shall be divided, into nine wards, called respectively, east ward, centre ward, west ward, Saint Ann's ward, Saint Antoine ward, Saint Lawrence ward, Saint Louis ward, Saint James ward, and Saint Mary's ward, which said wards shall be bounded and limited as follows, that is to say :

East ward.

2. The *East Ward*—on the south-east, by that part of the River Saint Lawrence opposite to, and extending from Lacroix street to the extremity of St. Gabriel street; on the south-west, by the middle of Saint Gabriel street, to Craig street; on the north-west, by the middle of Craig street, from Saint Gabriel street aforesaid, to St. Hubert street; on the north-east, by the centre of St. Hubert street to the centre of Perthuis street, and extending to the north-east by the middle thereof, to the centre of Lacroix street; thence by the middle of Lacroix street aforesaid, to the river, or point of departure;

Centre ward.

3. The *Centre Ward*—on the south-east, by that part of the river Saint Lawrence opposite to, and extending from the middle of St. Gabriel street to the middle of the extremity of Callières street; on the south-west, by the middle of the said Callières street, and crossing the interval between the said Callières street and Saint François-Xavier street, by the middle of Saint François-Xavier street to Craig street; on the north-west, by the middle of Craig street to Saint Gabriel street; and lastly, on the north-east, by the middle of the said Saint Gabriel street to the river, or point of departure;

West ward.

4. The *West Ward*—on the south-east, by that part of the river Saint Lawrence opposite to, and extending from the middle of the extremity of Callières street to the middle of the extremity of McGill street; on the south-west, by a line passing through the centre of McGill street and through Victoria square, to Craig street; on the north-west, by the middle of Craig street as far as Saint François-Xavier

street; and lastly, on the north-east, by the middle of Saint François-Xavier street and Callières street, to the river, or point of departure;

5. The *Saint Ann's Ward*.--on the north-east, by the centre of McGill street, commencing at the River Saint Lawrence; thence north, along the centre of McGill street, to its junction with the centre of Saint Joseph street; thence along the centre of Saint Joseph street to the City boundary; thence along the said boundary line in a south-easterly direction, to the River Saint Lawrence, and thence to the place of beginning;

6. The *Saint Antoine Ward*—on the north-east, by the centre of McGill street, and through Victoria square to Craig street; thence north, through the centre of Craig street, to Alexander street; thence through the centre of Alexander street to the centre of Saint Catherine street; thence, the north-west side of the centre of Saint Catherine street to City Councillors' street; thence, the south-west side of City Councillors' street to Sherbrooke street; thence, the north-west side of the centre of Sherbrooke street to Durocher street; thence, the south-west side of the centre of Durocher street, and the extension of the same to the city boundary line; thence, along the same line so far as it may extend towards the south-west; thence, along the said line, in a south-east direction, to the centre of Saint Joseph street; thence to the north-west of the centre of Saint Joseph street, till intersecting the centre of McGill street, the point of commencement;

7. The *Saint Lawrence Ward*—on the north-west side of the centre of Craig street, commencing at Saint Lawrence street, and continuing to Alexander street; thence, the north-east side of the centre of Alexander street, to Saint Catherine street; thence, the north-west side of the centre of Saint Catherine street to City Councillors' street; thence the north-east side of the centre of City Councillors' street, to Sherbrooke street; thence, the south-east side of the centre of Sherbrooke street, to Durocher street; thence the north-east side of the centre of Durocher street, to the city boundary line; thence along the said line, towards the north-east, until the same joins the centre of Saint Lawrence street; thence, the south-west side of the centre of Saint Lawrence street, to Craig street, the place of beginning;

8. The *Saint Louis Ward*—commencing at the centre of Craig and Saint Denis streets, continuing south-west along the centre of Craig street, until it arrives at the middle of Saint Lawrence street; thence, the north-east side of the centre of Saint Lawrence street, to the city boundary line; thence, along the said line, towards the north-east, until intersecting the centre of Saint Denis street; thence, the

south-west of the centre of Saint Denis street, to the middle of Craig street, the point of commencement;

St. James
ward.

9. The *Saint James Ward*—The north-east side of the centre of Lacroix street, commencing at the river Saint Lawrence and continuing to Perthuis street; thence, the north-west side of the centre of Perthuis street aforesaid, to the centre of St. Hubert street; thence, along the centre of St. Hubert street, to the centre of Craig street; from thence, the north-west side of the centre of Craig street, to Saint Denis street; from thence, the north-east side of the centre of Saint Denis street, to the city boundary; thence, along the city boundary line towards the north-east until it intersects the continuation of the centre of Visitation street; thence, continuing the said line of the centre of Visitation street, in a south-east direction, until the same shall reach Saint Mary street; and thence, from the centre of Barclay street, to the river Saint Lawrence; and thence along the said river to the place of beginning;

St. Mary's
ward.

10. The *Saint Mary's Ward*—the north-east side of the centre of Barclay street, commencing at the river Saint Lawrence, to Saint Mary street; and thence, continuing from the centre of Visitation street, to the city boundary line; thence, along the said line, towards the north-east, so far as the same may be found to extend; thence, continuing the said line in a south-easterly direction until the same shall reach the river Saint Lawrence; and thence, along the said river, to the place of commencement.

City limits
may be ex-
tended by
by-law.

4. 1. It shall be lawful for the council of the said city, by the concurrent vote of three-fourths of its members, to make by-laws to extend the limits of the said city, by annexing thereto, for all municipal purposes, any adjoining municipality or part of municipality, provided that no such by-law shall have the effect of creating new wards, or changing the limits of the existing wards of the said city, and that every such by-law shall, before the third reading and final passing thereof, receive the sanction and approval of the majority of the electors in such municipality, in the manner following, that is to say:

By-law to be
accompanied
by a plan.

2. Every such by-law shall be accompanied by a plan showing the area and boundaries of the municipality or part of municipality to be annexed, and shall contain and enumerate the conditions upon which the proposed annexation shall take place, and shall define and prescribe the proportion in which such municipality, or part of municipality shall contribute to, and share in the revenue of the said city;

By-law to be
published
before passing.

3. Such by-law shall be made known to the electors in the said city and in the said municipality by publishing the same once a week for one month in two English and two French

newspapers published in the said city, and by posting it up at the door of the city hall, at the door of the parish church of the said municipality, at the door of the hall or building in which the council of such municipality usually hold their meetings, and in at least six other public places in the said municipality,—with a notice appended to such by-law, to be signed by the city clerk, certifying that it is a true copy of a by-law which will be taken into consideration by the said city council, after the expiration of thirty days from the date of the last publication thereof, as aforesaid; and that on some day and hour, and at a place in the said municipality named and designated in the said notice, and to be fixed by the mayor of the said city, such day not being less than fifteen, nor more than twenty days after such last publication, a general meeting of the electors in the said municipality will be held for the purpose of considering such by-law, and approving or disapproving of the same;

4. At such meeting, the mayor of the municipality in which it is held shall preside, or in his absence or refusal to act, some other member of the council of such municipality, to be chosen by the meeting; the secretary-treasurer of such municipality shall have with him the assessment rolls and voters' list of the said municipality then in force, or a certified copy thereof, and shall act as secretary; and the only question to be determined at such meeting shall be whether the majority of the qualified electors in the said municipality, present at the said meeting, do or do not approve of the by-law;

Who shall preside at meeting of electors.

Question to be decided.

5. When the question has been put, the person presiding shall declare whether, in his opinion, the majority of the said electors are for the approval or disapproval of the by-law; and his decision, if not forthwith appealed from, shall be final, and shall be communicated to the mayor of the said city, by a certificate under the hand of the secretary of the meeting within a delay of eight days;

Putting the question.

6. Any five qualified electors as aforesaid, present at any such meeting, may appeal from the decision of the person presiding, and demand a poll, and such poll shall be granted by the person presiding at the meeting, and shall be immediately taken by him, the secretary-treasurer of the municipality acting as poll-clerk;

Poll may be demanded.

7. Each elector in the said municipality shall then present himself in turn to the person presiding, and shall give his vote "yea," or "nay," the word "yea" meaning that he approves the proposed by-law, and the word "nay," that he disapproves the same; but no person's vote shall be received unless he appears by the said assessment rolls and voter's list to be a duly qualified elector in the said municipality;

Votes—how polled.

8. The person presiding may, if he thinks fit, adjourn the poll at five o'clock in the afternoon of the day of meeting,

Poll may be adjourned.

until ten o'clock in the forenoon of the following day, when the poll shall be continued as on the first day, but shall be closed at five o'clock in the afternoon of such second day ;

Closing of
poll.

9. If at any time on the first or second day an hour elapses without a vote being offered, the poll shall be closed ;

Result how
declared.

10. At the close of the poll the person presiding shall count the "yeas" and the "nays," and ascertain and certify for the information of the councils of the said city, and of the said municipality, whether the majority is for the approval or disapproval of the said by-law ; and such certificate shall be countersigned by the secretary-treasurer of the municipality acting as secretary of the meeting, and kept by him, with the poll-book, among the records of his office ; and it shall be his duty to transmit to the clerk of said city, within eight days from the close of the poll, a duly authenticated copy of the said certificate and poll-book ;

If by-law
be dis-
approved ;
If approved.

11. If the by-law be not approved by the majority of the electors of said municipality as aforesaid, the city council shall not proceed to pass the same ; but if it be approved by such majority, and afterwards passed by the city council, by the vote of at least three-fourths of its members, then such by-law shall be subject to the approval of the lieutenant-governor in council, and shall have no force until such approval has been given.

By-law to be
submitted to
lieut -gov-
ernor.

5. 1. Every such by-law, when submitted to the lieutenant-governor in council for his approval, shall contain a recital that such by-law has been approved by a majority of electors in the said municipality as aforesaid, at a meeting called and held in conformity with the requirements of this act, and by three-fourths of the members of the city council as aforesaid ;

Recital to be
conclusive.

2. Such recital shall, for all the purposes of this act, be conclusive proof of the facts therein stated ;

Lieut.-gov. to
require proof

3. The lieutenant-governor in council shall not approve of such by-law until proof has been made, to his satisfaction, that the by-law was published, and notice given as hereinbefore required ;

Lieut.-gov.
may call for
documents.

4. The lieutenant-governor in council may require from the council of the said city, and from the municipality to be annexed by such by-law, all such documents and information as he thinks necessary for ascertaining the expediency or in expediency of such by-law, or any of the provisions thereof, and the proper officers of such council and municipality shall furnish the same accordingly.

Penalty.

6. Any secretary-treasurer or other municipal officer, or any member of a municipal council, who shall neglect or refuse to perform or concur in performing any official act or duty required of him for carrying out the provisions con-

tained in the two next preceding sections, shall be liable to a fine or penalty of two thousand dollars, to be recovered in the name of Her Majesty, the same as any ordinary claim for debt, before the superior court of the province of Quebec, within six months after the offence was committed.

7. So soon as any municipality or part of municipality, as aforesaid, shall have been annexed to the city, in pursuance of the provisions of the foregoing sections of this act, such municipality, or part of municipality, shall, as regards the levying of assessments, taxes, imposts and water-rates, and all other municipal purposes, be subject to the provisions of the several acts, by-laws, rules and regulations now made and passed, or hereafter to be made and passed, for the good rule, peace, welfare, improvement cleanliness, health, internal economy and local government of the said city, except in so far as such provisions may be inconsistent with the conditions agreed upon between the corporation of the said city and municipality, and contained in the by-law under which such annexation shall have taken place, as aforesaid.

Annexed municipality to be subject to city by-laws, &c.

THE CITY COUNCIL.

8. The mayor and aldermen to be elected as hereinafter provided, shall constitute the council of the said city.

Its constitution.

9. 1. The mayor shall be elected by the majority of the votes of the qualified electors of the said city; he shall hold office for one year, and until his successor in office shall have been elected and sworn in;

The mayor.

2. The mayor shall be *ex officio* justice of the peace for the city and district of Montreal, and he shall receive out of the funds of the said city, a salary to be fixed by the council, not to exceed two thousand dollars;

Is ex-officio justice of the peace; his salary.

3. In case a vacancy shall occur in the office of mayor by reason of any person who shall have been elected to that office not accepting the same, or by reason of his dying or ceasing to hold the said office, the said council shall, as soon as possible after such vacancy, elect one of its members to be mayor for the remainder of the period, for which the mayor, whose place is to be supplied, was to have served;

Case of vacancy in office of mayor.

4. The acceptance of the office of mayor by such member shall have the effect of rendering his seat as alderman vacant, and a new election to fill such vacancy shall be held;

Such member ceases to be alderman.

5. If any person be elected at the same time mayor of the said city, and an alderman for any of the wards thereof, he shall declare within four days after notice given to him of the said elections, which office he will accept; and a

If a person be elected mayor and alderman.

new election for the office which will thus become vacant shall be held in the manner hereinafter prescribed.

Acting mayor. **10.** The said council, at their monthly meeting, to be held on the second Monday of the months of March, June, September and December, in every year, shall elect from among themselves a member to act as mayor, in the event of the absence or sickness of the mayor of the said city, or of any vacancy in the office of mayor of the said city; and the member so elected shall, during such absence, or sickness, or vacancy, have and exercise, until the ensuing quarter, all the power and authority and rights, vested by law in the mayor of the said city.

Aldermen **11.** The several wards of the said city shall each be represented in the said council by three aldermen, exclusively of the person to be elected mayor as aforesaid; and no councillor elected or alderman to be hereafter elected for any of the said wards shall continue in office without being re-elected, for any longer period than three years; on the first Monday of the month of March, every year, that alderman for each of the said wards respectively, shall go out of office who shall have been a member thereof for the longest time without re-election; any member of the council going out of office may be re-elected if qualified according to the provisions of this act.

Aldermen to serve for one ward only. **12.** If any person shall be elected alderman for more than one ward, he shall, within three days after notice thereof from the city clerk, make his option, and in his default, the mayor shall declare, for which one of the said wards such person shall serve as alderman, and thereupon such person shall be held to have been elected in that ward only, and in no other.

To be justices of the peace **13.** The aldermen of the said city for the time being shall severally be justices of the peace for the city of Montreal.

Members may resign. **14.** Any member of the said council may resign his said office of alderman, and vacate his seat in the council, if the reason assigned by him for so doing is considered good and sufficient, and his resignation be accepted of by not less than two-thirds of the members composing the said council.

Vacancies; how filled. **15.** If any extraordinary vacancy shall occur in the office of member of the council of the said city, the mayor of the said city, shall fix a day and place for the nomination of candidates for the said office; he shall at the same time fix a day on which the election shall take place in case of a con-

test; which said nomination and election shall take place in manner and form provided in this act for the nomination and election of the mayor and aldermen of the said city; and every person so elected shall hold such office until the period at which the person in whose stead he shall have been elected, would, in the ordinary course, have gone out of office.

16. No person shall be capable of being elected mayor of the city of Montreal, unless he shall have been a resident householder in the said city for one year next before such election, and unless he shall, during the six months immediately preceding the day of his nomination as such mayor, be seized and possessed of real estate within the said city, of the value of four thousand dollars currency, after payment or deduction of his just debts. Qualification of mayor.

17. No person shall be capable of being elected an alderman of the said city of Montreal, unless he shall have been a resident householder in the said city for one year next before such election, and unless he shall, during the six months immediately preceding the day of his nomination as such alderman, be seized and possessed, as proprietor, of real estate, within the said city, of the value of two thousand dollars currency, after payment or deduction of his just debts. Qualification of alderman.

18. No person shall enter in office as mayor or alderman of the said city, unless he shall have previously deposited and lodged in the hands of the city clerk, a declaration signed by himself, establishing the fact of his being qualified in accordance with the next preceding sections and containing a detailed description of the real estate on which he qualifies himself. Declaration of qualification.

19. In case the mayor or any alderman shall cede or make over, in any manner whatsoever, the real estate on which he shall have qualified himself, or shall mortgage or encumber the same, so as to affect the amount required for his qualification, it shall be lawful for any two duly qualified electors of the said city to present a petition to the council of the said city, requiring the said mayor or alderman, as the case may be, to produce the title of such other real estate as he may qualify upon; failing which, his seat shall become vacant. If property on which a member has qualified change hands, &c.

20. No person shall be capable of acting as mayor, or alderman as aforesaid, until he shall have made and subscribed before any two aldermen the oath of allegiance to Her Majesty, her heirs and successors; and also an oath of office in the form of schedule A, appended to this act. Mayor and aldermen to be sworn.

Persons incapable of being elected mayor or alderman.

to nominate

21. No person shall be capable of being elected mayor or alderman, who shall not be a natural born or naturalized subject of Her Majesty and of the full age of twenty-one years; or who shall have been attainted for treason or felony, in any court of law within any of Her Majesty's dominions, or who shall be in holy orders, or a minister or teacher of any dissenting or religious sect, or a judge, or clerk of any court, or any member of the executive council, or accountable for the city revenue, or receiving any pecuniary allowance from the city for his services, or who may be indebted to the said city for taxes, assessments or water rates, (drain accounts or special assessments in cases of expropriation excepted,) or is a party to, or interested in, any law suit or judicial process whatsoever, the amount of which shall exceed one hundred dollars currency, and wherein the corporation of the said city shall appear as plaintiff or defendant.

Cases of disqualification in the office of mayor or alderman.

22. If any person holding the office of mayor or alderman, shall be declared bankrupt, or shall become insolvent, or shall apply to take the benefit of any act for the relief of insolvent debtors, or shall compound by deed with his creditors, or shall take or enter into holy orders, or become a minister or teacher of any religious sect, or a judge or clerk of any court, or a member of the executive council, or shall become accountable for the city revenue, or receive any pecuniary allowance from the city for his services, other than that referred to in the ninth section of this act, or shall be absent from the said city for more than two calendar months at one and the same time, or shall be absent from the meetings of the said council for more than two calendar months consecutively, (unless in case of illness, or with leave of the council), or who shall, directly, or indirectly, become a party to, or security for, any contract or agreement to which the corporation of the said city is a party, or shall derive any interest, profit or advantage from such contract or agreement, then and in every such case, such person shall thereupon immediately become disqualified, and shall cease to hold such office of mayor, or alderman as aforesaid.

Present members to continue in office.

23. The mayor, aldermen, and councillors of the city of Montreal who shall be in office when this act shall come into force, shall continue in office until required to go out of office under the provisions of this act; and the person who shall so be the mayor of the city of Montreal at the time this act shall come into force, shall continue in office until his successor in the said office of mayor shall have been appointed and sworn in according to the provisions of this act; and on the first Monday in March in each and every

year, one of the members of the council for each ward shall go out of office; and on the first Monday in March now next, and on the first Monday in March in each succeeding year, such member of the council for each ward respectively shall go out of office who shall have been member thereof for the longest time without re-election; provided always, that if on the first Monday in March next, or in any succeeding year, the seat of any member of the council whose regular term of office was to extend beyond the first day of March, should be vacant from any cause whatever, then a member of the council shall be elected to fill such vacancy, as well as in the place of the member who shall then regularly go out of office under the provisions of this section.

One member
to go out of
office in
March.

24. The said council may appoint, so many committees, consisting of such members of the said council as the said council may think fit, for the better transaction of the business before the council, and for the discharge of such duties within the scope of their powers, as may by the said council be prescribed, but subject in all things to the approval, authority and control of the said council.

Committees.

25. To facilitate the decision of cases in which the right of any person to hold or exercise, or to continue to hold or exercise the office of mayor or alderman of the said city may be called in question, any one of the judges of the superior court for the province of Quebec, sitting in term or vacation in the city of Montreal, shall, on the information (*requête libellée*) of any duly qualified elector in the said city, supported by affidavit to the satisfaction of the said judge, and complaining that any person illegally exercises, or assumes, or attempts to exercise, or to continue to exercise the office of mayor or alderman of the said city, have full power and authority to order the person so complained of, to appear before such judge, and to show by what authority such person exercises, or assumes, or attempts to exercise such office; and such order shall be served (with a copy of the information) upon the party complained of, at least three days before that on which such party shall be ordered to appear; and the said judge shall have full power and authority thereupon to try and adjudge upon the right of the person so complained of to exercise, or to continue to exercise the office in question, and to make such order in the case, and to cause (if need shall be) such writ of *mandamus*, or other writ, or order to be addressed to the corporation of the city of Montreal, as to right and justice may appertain; and such order or writ shall be obeyed by the said corporation, and by all other parties whatsoever, and from the judgment of the said judge in

Contested elec-
tions may be
tried before a
judge of the
superior court.

any such matter as aforesaid, there shall be no appeal ; and the said judge shall have full power to tax and award such costs against any party as in his discretion he shall deem right ; provided always, that so far as may be consistent with this act, the forms of procedure in any such case as aforesaid, shall be as summary as may be consistent with a due examination into the merits of the case.

QUALIFICATION AND REGISTRATION OF VOTERS.

Mayor and
aldermen ; by
whom chosen.

26. 1. The mayor and the aldermen of the said city of Montreal, at the period hereinafter appointed, shall be chosen by the majority of the votes of the following persons, whose names shall remain duly registered on the voters' list of the said city, made and revised in conformity with this act, that is to say :

Proprietors.

2. Every male person entered on the then last assessment roll, revised, corrected and in force in the said city, as the owner of real property, within the ward for which the election shall be had, of the assessed value of three hundred dollars or upwards, or of the assessed yearly value of thirty dollars or upwards ; provided that when such property is owned by several persons *par indivis*, they may severally vote thereon, if their respective share in the said property be assessed at not less than three hundred dollars value, or at a yearly value of not less than thirty dollars each ;

Tenants.

3. Every male person, being an inhabitant householder in the city, whose name shall be entered in the said last assessment roll, as the tenant of a dwelling-house in the ward for which the election shall be held, of the assessed value of three hundred dollars or upwards, or of the assessed yearly value of thirty dollars or upwards ; provided that every such person shall be possessed of the said dwelling-house on the first day of January next preceding such election, and that he shall have been a resident householder in the said city from at least the first day of May next before any such election, and that he shall have resided within the particular ward for which such election shall be had, not less than three months next before the first day of January preceding such election ; and part of a dwelling-house in which any such person shall reside as a tenant or sub-tenant, but not as a boarder or lodger, and having a separate outer door by which a communication with the street may be afforded, shall be considered a dwelling-house within the meaning of this enactment ;

Merchants,
traders, &c.

4. Every male person, though neither a proprietor or householder, who shall have been resident in the said city, or within the parish of Montreal, from at least the first day of May next preceding any such election, and who,

either individually or jointly, as a co-partner with any other person shall have been entered on the said last assessment roll as the tenant or occupant of any warehouse, counting-house, shop, office or place of business, within any of the said wards of the city, during three months next preceding any such election; provided that the said warehouse, counting-house, shop, office or place of business, when occupied by the said person individually, be assessed at not less than three hundred dollars value, or at a yearly value of not less than thirty dollars, or when occupied by him as a co-partner, that his proportion or share thereof be not assessed at less than the said last amounts respectively;

5. Persons entitled to vote, as aforesaid, shall vote for the particular ward in which the property constituting their qualification to vote shall be situated; but when such person is the owner of real estate in more than one ward of the said city, or the occupant of an office or place of business in one of the said wards, and at the said time, proprietor or tenant as aforesaid in any other ward, such person may vote for the election of aldermen only, in any ward wherein he owns real estate, or occupies a dwelling-house, as also in the ward wherein such person shall keep an office or place of business; and such person shall be inscribed in the voters' list for each of the said wards; provided such person be otherwise qualified and within the requirements of the law;

Proprietors
may vote in
every ward
where they
own real
estate.

6. No such proprietor, tenant or other person aforesaid shall be entitled to vote at any such election in the said city, unless he shall, previously to the first day of January next before the holding of any such election, have paid the amount of all rates and assessments, and of every tax, duty or impost, (drain accounts and special assessments for local improvements excepted,) lawfully imposed by any by-law now in force, or that hereafter may be in force in the said city, that may be due and payable by him, in any capacity or way whatsoever, either as an occupant himself, or as the owner of property, who may neglect to pay the assessments due on it, up to the first of January next, before the holding of any such election.

Previous pay-
ment of taxes
required.

27. Before the first day of January, in every year, the assessors, hereinafter mentioned, shall make out from the last assessment roll, an alphabetical list of the voters qualified to vote at the election of mayor and aldermen, to be called "The Voters' List," to which they shall add the names of all such persons, not on the said assessment roll, as they know are then entitled to vote at such election, according to the provisions of this act; in making out such list the assessors shall give the christian and surnames of the voters, their occupation, and the streets in which

The voters'
list.

they reside in the said city, or in which they have their place of business whenever the right of vote arises out of the business carried on by the said voters.

Wards to be sub-divided into electoral districts.

28. The assessors in preparing the "voters' list" shall sub-divide each ward of the said city in as many electoral districts, as may be deemed convenient, regard being had to the topography of the ward; they shall draw out a report of such sub-division which they will sign in duplicate, and one copy thereof shall be kept in the office of the said assessors, and the other in the office of the city clerk, whose duty it shall be to make known such sub-division to the municipal electors, prior to the election, as hereinafter provided; and the said assessors shall make out, for each such electoral district, an alphabetical list of voters, which they shall sign, certifying that it is correct to the best of their knowledge and belief, and shall deliver the same to the city clerk.

List to be handed to the city treasurer to check defaulters.

29. On the second day of January, every year, the city clerk shall transmit the "voters' list" to the city treasurer, whose duty it shall be to closely examine the said list and to check such of the electors as shall have failed to pay all or any portion of the taxes or assessments by them due before the first day of January then current, by writing at the end of their names, in the column of remarks in the said list, the letters A., P. T., W. R., S. L., the said letters signifying, that is to say: A., *assessment*, P. T., *personal tax*, W. R., *water rate*, S. L., *statute labor*, according as the said electors may, on the said first January, have been indebted for assessment, personal tax, water rate, or statute labor.

List when checked to be returned to the city clerk.

30. On or before the twentieth day of January, the city treasurer shall return the said "voters' list" properly checked as aforesaid, to the city clerk, in whose office the said list shall be kept for the examination of all parties concerned, at reasonable hours, until finally revised by the board of revisors hereinafter established, of which the city clerk shall immediately give public notice in at least two English and two French newspapers published in the said city, and by printed placards to be posted in all the wards of the said city; in this notice shall also be stated the days on which the board of revisors shall meet to revise the said voters' list, (see schedule B. hereunto annexed,) and if any elector deems himself aggrieved by the omission of his name in the said list, or by any of the objections therein made by the city treasurer in reference to his right to vote, such elector shall prefer his request to the board of revisors; and on the day fixed for revising the voters' list for the ward in which the said elector claims the right to vote,

it shall be his duty to appear, either personally, or through an agent, or representative, before the said board, to make good his claim.

31. At their last monthly meeting in every year the city council shall choose from among the aldermen whose term of office will not expire in the next succeeding year, five members of the said council who shall be and constitute a board of revisors, any three of whom shall be a *quorum* to revise and settle the said voters' list, and decide according to the best of their judgment, upon the claims made for the insertion or omission of names in or from the said list; and such member as the board may choose shall preside at the meetings of the board, and the members of such board shall, on their first day of meeting, be duly sworn by the mayor, or any of the aldermen of the said city not a member of the board, well and impartially to perform their duties as such revisors; and the said board shall meet on the fifth day of February, at ten o'clock in the forenoon, and they shall adjourn from day to day until the voters' list is revised and settled; the said board shall have power to examine persons upon oath respecting the said claims, and all matters connected with the revision of the said list; and after hearing the best evidence of which the cases will admit, the said board shall make the necessary additions or erasures to or from the said list; provided, however, that nothing herein contained shall prevent the said board from erasing from the said list the name of any person that may appear on the said list not to have paid his taxes or assessments on or before the preceding first January, as directed by law, or to be dead at the time of the revision of the said list, or whose name may have been erroneously included twice in the list of any one ward; neither shall it prevent the said board correcting any mistake made in the name of any voter inserted in the said list, or from adding to, or removing from the said list, any intermediate name that may have been erroneously omitted from, or added to, the name of any voter thereon, or from correcting any obviously clerical error in the name, residence, or occupation of any voter in the said list; provided also, that the said list shall be finally revised before the fifteenth day of February.

Board of revisors appointed.

Who shall preside

Provide :

amende per 4120
Ch 532

32. The said list so revised and settled shall be signed by the chairman of the said board, countersigned by the city clerk, and sealed with the city seal, (for certificate, see schedule C hereunto annexed,) and shall be filed of record in the office of the city clerk; and any copies or extracts from the same, certified by the city clerk, shall be deemed authentic for all the purposes of this act; and every elec-

Upon completion of voters' list it shall be exposed in the city hall and filed with the clerk.

Rights of
persons on
such list.

tor whose name shall not be erased in such list, shall be entitled to vote at the election of mayor and aldermen of the said city, without any further inquiry as to his qualification.

If any of the
revisors be
dead or absent,
others to be
appointed
in their stead.

33. In the event of the decease or absence, from illness or otherwise, of any member of the said board of revisors, the council shall appoint from among its own members, whose term of office does not expire in the then ensuing month of March, another revisor in the stead of the one who shall be so deceased or absent, which said revisor so appointed shall be sworn in the same manner as the one in whose stead he shall be so appointed, and any member who shall be so appointed in the stead of an absent revisor, shall only act as such for the purposes of the election which shall be then going on; but if the council shall be unable to appoint such other revisor in the stead of the one who shall have deceased, or be absent as aforesaid, then it shall be lawful for the remaining members of the said board, to perform all the duties in and by this act directed to be done by the said board of revisors.

Penalty if
revisors neg-
lect or refuse
to perform
duties.

34. If any revisor appointed under the provisions of this act shall neglect or refuse to perform any of the duties required of him under the preceding sections, he shall incur a penalty of two hundred dollars.

MUNICIPAL ELECTIONS.

Nomination of
candidates.

35. 1. The fifteenth day of February in each year, is hereby fixed as the nomination day for all candidates for the office of mayor of the said city and of aldermen for the several wards thereof; and such member of the council as shall have been previously appointed by the said council for that purpose, shall preside at each of the nominations of candidates, for the offices of mayor and aldermen respectively, which shall be held in the open air; that, for the office of mayor at the city hall, and those for aldermen at such places in the several wards, to be fixed by the said council as that all the electors may have free access thereto;

Notice to be
given.

2. Five days at least prior to such nomination the city clerk shall give notice, in at least one French and one English newspaper published in the said city, of the time and place of such nomination, and of the names of the presiding members at such nomination;

Hour fixed.

3. At ten o'clock in the forenoon of the said nomination day, the member appointed to preside at each such nomination, shall proceed to the place where the same is to be held as aforesaid, and shall then and there require the elec-

tors there present to name the person whom they wish to choose as mayor, or as alderman, as the case may be ;

4. And any two duly qualified electors of the said city may openly and publicly address to the member presiding at the nomination for the office of mayor, a demand or requisition that the person by them named be elected mayor of the said city, for the next ensuing term of the said office ; and in the event of there being only one such demand or requisition made as aforesaid, or that all the demands or requisitions so made shall be for one and the same person, then at the expiration of fifteen minutes from the hour aforesaid, the member presiding shall proclaim the said person duly elected mayor of the said city for the next ensuing term of the said office ;

Candidates for
mayoralty.

5. And any two qualified electors in any ward of the said city may, on the day aforesaid, openly and publicly address to the member presiding at the nomination for the office of alderman in such ward, a demand or requisition that the person named by them be elected alderman for the said ward in which the said requisitionists are electors as aforesaid ; and if there be only one demand or requisition made for the election of such alderman, or if all the requisitions made in any such ward be for the election of the same person as alderman, the said member presiding shall proclaim the said party duly elected alderman for the said ward for the next ensuing term of the said office ;

For aldermen.

6. Each and every such election made as aforesaid without dissent, shall be forthwith proclaimed in at least one English and one French newspaper in the said city, and the said presiding members respectively shall in due course report the said elections to the council of the said city ; in the event of demands or requisitions being made by two or more duly qualified electors as aforesaid for the election of two or more persons as mayor of the said city, or as alderman in any ward thereof, a poll shall be granted for each and every such election by the said presiding members respectively, and the said election shall be proceeded with in the manner hereinafter prescribed ; provided, however, that no person shall be voted for, or elected, for whose election a demand or requisition shall not have been made as aforesaid on the fifteenth day of February.

Proclamation
if there be no
contest.

In what case a
poll shall be
granted.

36. The board of revisors hereinbefore established, shall make the necessary arrangements for the election of mayor and aldermen : and for that purpose they shall meet between the fifteenth and twentieth days of February, to fix and determine the number of polls, and the places where the same are to be held in the several wards wherein the election is to take place ; and in doing so the said board shall be regulated by the number of qualified voters in each

Board of revisors to make
arrangements
for election,

electoral district, the number of voters at each poll to be as near three hundred as possible ; the said board shall select, and, by a commission under the hand of its chairman, and countersigned by the city clerk (see schedule D hereunto annexed,) appoint a returning officer and a poll clerk for each polling place to be held for the said election ; the said board shall also cause books to be prepared for each polling place (in the form of schedule E hereunto annexed,) in which shall be taken and recorded the votes of the electors.

Election ;
how held.

37. 1. When a poll is granted for the election of the mayor, the voting shall take place in all the wards of the city, and when a poll is granted for the election of an alderman, the voting shall take place in the ward for which the poll has been granted ; the voting for the election of mayor and aldermen, as aforesaid, shall take place on one and the same day, that is to say : on the first day of March, in each year, at the places, and before the returning officers to be appointed as hereinafter provided ; the polls shall be opened at nine o'clock in the morning, and shall be closed at five o'clock in the afternoon ; and six days at least prior to the voting, the city clerk shall give notice of the time and place where, and the names of the returning officers before whom the said voting shall be held, specifying at the same time the boundaries of each electoral district, as previously fixed and determined by the assessors as aforesaid, the said notice to be published in at least two English and two French newspapers in the city, and to be posted, by means of printed placards, in the ward or wards wherein the election is to take place : on the day fixed for holding such poll, each elector shall present himself at the polling place at which he is entitled to vote, and as each elector votes, his vote shall be recorded in the poll book by making the figure 1 opposite the voter's name in the column at the head of which appears the name of the candidate for whom the elector shall have voted ;

Mode of re-
cording the
votes

2. Each returning officer shall, at the polling place kept by him in conformity to this act, record or cause to be recorded in such poll book as aforesaid, and in the order in which they shall be given the votes of the electors voting at such polling place, by entering therein the name, surname, legal addition of each elector so voting, and by showing by the insertion of the word " owner," or " tenant," in the said poll book, whether it is as a proprietor or as a tenant, that such elector claims the right of voting at such poll ; and when any elector has taken the oath required of him by this act, the returning officer shall state in the poll book that such oath was taken by the elector, by entering after the name of such elector, a mark to that effect in the proper column in the said poll book ;

As to electors
sworn.

3. Each returning officer shall write in full at the head of each page of the poll book used by him, the number of such page, and certify the same by his signature as follows: "page number one, (or two, or as the case may be,) A. B., returning officer," and he shall certify in full words at the foot thereof, (before entering any name or vote in the next succeeding page) the first and last name and total number of names entered therein, and shall then sign the same, which certificate shall be to the effect following: "I certify that the total number of names entered on this page as voters, is _____, whereof the first name is C. D., and the last name is E. F.—Signed, A. B., returning officer;"

Returning officers to certify each page of poll book.

4. In every case where the vote of any person is objected to by any candidate or his agent, the returning officer shall enter the objection in his poll book by writing after the name of the voter, in the column for objections, the words "objected to" only mentioning at the same time by which candidate, or on behalf of what candidate the objection has been made, by adding after the words "objected to" the name only of such candidate.

Votes objected to; how to be distinguished in poll-book.

38. Upon the demand of any candidate, or his duly authorized agent, or any duly qualified elector in the said city, the returning officer shall administer to any voter the oath (in the form of schedule F., hereunto annexed): if the voter refuse to take the said oath, the word "refused" shall be written opposite his name, and he shall not be allowed to vote; if the voter take the oath, the word "sworn" shall be written opposite his name, and his vote shall be received and registered.

Oath may be demanded of voter.

39. In the event of the decease, or absence from illness or otherwise, of any returning officer or poll clerk appointed as aforesaid, or his refusal to act, power is given to the city clerk to appoint a substitute to perform the duties of the returning officer or poll clerk so absent.

What? In case of absence of returning officer or poll clerk.

40. As soon as a poll shall have been granted for any ward in the said city, the city clerk shall prepare or cause to be prepared copies of the voters' list last made and revised for each electoral district of such ward, sub-dividing the same alphabetically according to the number of polling places, fixed and determined, and the number of voters assigned to each polling place, as aforesaid; the city clerk shall certify each of the said copies as being a correct extract from the voters' list for such electoral district, and shall transmit the said copies to the respective returning officers appointed to preside at the election in such ward.

City clerk to prepare copies of voters' lists for the returning officers.

Returning officers and poll clerks to be sworn.

41. The returning officers and poll clerks appointed as aforesaid shall take and subscribe, before the mayor or any alderman of the said city, the oath according to schedule G hereunto annexed; and of their having taken such oath there shall be delivered to them respectively by the city clerk a certificate (in the form of schedule H., hereunto annexed).

Bribery at elections.

42. 1. The following persons shall be held to be guilty of bribery, and liable to the penalty hereinafter imposed for such offence;

What constitutes a case of bribery.

2. Any elector who will at any time before, during, or after any municipal election in the said city, ask or take any money or reward, by way of gift, loan or other device, or agree or contract for any money, gift or office, employment or other reward whatsoever, to give or forbear to give his vote at any such election; or any candidate at such election, or any other person who by himself or by any one employed by him, shall, by any gift, reward, promise, agreement or security, corrupt or offer to corrupt any elector to give or forbear to give his vote at any such election;

Idem.

3. Any elector who, by way of gift, loan, reward, promise or other device, shall procure or undertake or endeavour to procure the return of any candidate at any municipal election in the said city;

Idem.

4. Any person who shall receive any money, gift, reward or promise, by way of carriage hire or for loss of time, in giving his vote, or who shall accept an exorbitant price for any merchantable article as consideration for his vote or for abstaining to vote at any municipal election in the said city;

Idem.

5. Any candidate or other person who shall engage or hire any licensed carter for the purpose of carrying voters to the polls; or any licensed carter who, for money, or for any gift, reward, promise, or other device, shall let his carriage, sleigh, or other vehicle, to any candidate or other person, for the purpose of carrying voters to the polls at any such election.

Penalty.

43. Any person offending against any of the provisions of the next preceding section, shall, for every such offence incur a fine of fifty dollars to be recovered, with full costs of suit, by any one who shall sue for the same in the recorder's court; and any person offending in any of the cases aforesaid, being lawfully convicted thereof, shall forever forfeit his right to vote at any municipal election in the said city, or to be elected mayor or alderman of the said city for a term of three years.

44. All votes given in violation of any of the foregoing provisions shall be null and void. Votes nullified.

45. On or before the last day of December, every year, the clerk of the recorder's court shall transmit to the city clerk a list of the names of all parties who may have been convicted before the said court during the year, under the foregoing provisions; and it shall be the duty of the city clerk to submit the said list to the board of revisors when they meet to revise the voters' list as herein before provided. Clerk of Rec. court to report names of parties convicted.

46. Every inn or tavern licensed for the sale of spirituous or fermented liquors, in the ward or wards of the said city, in which an election is held as aforesaid, shall be closed during the time the polls are kept opened, under a penalty of one hundred dollars against the keeper of such tavern if he neglects to close it, and under a like penalty if he sells or gives any spirituous or fermented liquors or drinks as aforesaid, pending such election. Taverns to be closed during elections.

47. The said returning officers shall, during the election at which they are appointed to preside, be conservators of the peace, and invested for the maintenance of the peace, for the arrest, detention or admission to bail, trial and conviction of any person who breaks the law or troubles the peace, with the same powers with which justices of the peace are invested in this province; and for the maintenance of the peace and of good order at such election, each such returning officer may require the assistance of any justice of the peace, constable and other persons present at the election, to aid him in so doing; and each such returning officer, may arrest or cause to be arrested by verbal order, and may place in the custody of one or more constables, or other persons, for such time as in his discretion he deems expedient, any person disturbing the peace and good order, or may cause such person to be imprisoned for any such offence, under an order signed by him, until the close of the poll; which order, whether given verbally or in writing, all persons shall obey without delay, under a penalty, for any refusal or neglect so to do, of twenty dollars; no such arrest, detention or imprisonment shall in any manner exempt the person so arrested, detained, confined or imprisoned, from any pains or penalty to which he has become liable by reason of anything by him done contrary to the true intent and meaning of this act. Returning officers to be conservators of the peace.

48. Immediately after the close of the polls in each ward, as aforesaid, the returning officers shall respectively count and add up in the poll books the number of votes taken and recorded in favor of each candidate voted for at At the close of the poll, the votes to be counted.

such polls, and shall make and subscribe before the mayor or any alderman of the said city, the oath in the form of schedule J—hereunto annexed ; which oath shall be annexed to the said poll books respectively ; and immediately thereafter the said returning officers shall return the said poll books to the city clerk.

Successful
candidates de-
clared.

49. After the closing of the polls, on the first day of March, as aforesaid, the board of revisors shall meet in the city hall, at the hour appointed by the notice for its assembling, to be previously given by the city clerk, and shall have all the said poll books brought before them ; the said board shall then and there ascertain the total number of votes given to, and recorded in the whole of the said books, for each candidate for the office of mayor or alderman (as the case may be,) and shall report the same to the said council at its next monthly meeting ; and the said council shall, at such meeting declare the person having the greatest number of votes for the office of mayor, to be elected mayor of the city of Montreal, and the person having the greatest number of votes for the office of alderman in each ward, to be elected alderman of the said city ; and in case of equality of votes in respect of either of the said offices of mayor or alderman, the said council shall determine and decide which of the said persons having the said equality shall be elected ; the said poll books shall remain in the office and custody of the city clerk, where they shall be open to inspection by any elector upon the payment of twenty-five cents.

Custody of
poll-books.

Fees.

50. The fees hereinafter mentioned, and no other, shall be allowed to each returning officer and poll clerk, for his services at any election as aforesaid, that is to say : to the returning officer, four dollars ; to the poll clerk, two dollars.

Penalty.

51. If any person, after having received a commission as returning officer or poll clerk as aforesaid, shall neglect or refuse to perform any official act or duty required of him, for carrying out the foregoing provisions, or if any person appointed returning officer or poll clerk as aforesaid, shall fail in the performance of any of the duties hereinbefore assigned to him, or shall not fulfil the said duties in a faithful and impartial manner, such person shall be liable to a fine or penalty of five hundred dollars, to be recovered before the recorder's court.

Mayor to fix
a day for
election in
certain cases.

52. Whensoever it may happen that from any cause whatsoever an election for a member of the council of the said city shall not take place for any ward of the said city

at the time fixed therefor by law, or appointed therefor by the mayor of the said city, it shall be lawful for the said mayor, as soon thereafter as expedient, to appoint a day for the nomination and another for holding such election, and the said election shall be held in the manner hereinbefore prescribed.

MEETINGS OF THE COUNCIL.

53. The said council shall have regular monthly meetings, to be held on the second Monday of each month, and the members of the council shall receive notice thereof and of the business to be transacted at such meetings, the same as hereinafter prescribed for special meetings of the said council.

Monthly meetings; to be held.

54. The mayor of the said city may call a special meeting of the said council, when and as often as he may deem proper; and in case the mayor shall refuse to call any such meeting after a requisition to that effect signed by five at least of the members of the said council, it shall be lawful for such members to call a meeting of the said council; but in all cases of special meetings called as aforesaid, a summons, to attend the council, summarily specifying the business to be transacted at such meetings, and signed by the city clerk, shall be delivered to every member of the said council, or left at his usual place of abode, three days at least before such meeting; and at such special or monthly meetings of the council no other business but those specified in the said summons shall be considered or disposed of, except with the sanction of the mayor and the concurrent vote of all the members present at such meetings.

Special meetings, how held

In case of refusal by the mayor to call such meetings, five members may call a meeting after certain notice.

Business before such meetings to be specially mentioned in such notice.

55. The special meetings convened by the order of the mayor in pursuance of the power granted in the next preceding section, may be so called and convened by verbal or written intimation or notice by the mayor to the city clerk, who shall thereupon issue the summons to the members of the council in the manner prescribed by the said section; and every requisition to call special meetings of the said council signed by five or more members of the said council in case of the mayor's refusal to call the same, shall be deemed and considered a sufficient notice to authorize the city clerk to issue the summons to the members of the council in the manner prescribed by the said section, provided such requisition shall specify the business for which the meeting is called,

Special meetings; how called.

Adjourned
meetings.

56. At any special or monthly meeting of the said council, when the business before the meeting cannot be gone through with, or be fully disposed of, it shall be competent to the said council, to adjourn the said meetings from time to time, and as often as may be deemed necessary by the said council, for the consideration and disposal of the said unfinished business; but no new business shall be brought before, or be considered at, any such adjourned meeting, or any other subject or business than the unfinished business of the previous meeting; it shall not be necessary to give notice of any such adjourned meeting to any members present at the time of the adjournment of the said council, but notice thereof, and of the unfinished business, to be considered and transacted thereat, shall be given in all possible cases, to the members of the said council not present at the said adjournment; and for that purpose, except in cases of great emergency, no adjourned meeting shall be held within less than twelve hours' delay from the time of the adjournment of the preceding meeting.

Who shall pre-
side.

See §10 supra

57. The mayor shall preside at all meetings of the council, and shall have only a casting vote in case of an equality of votes, and no other; if the mayor and acting mayor should be absent from any meeting, the council shall choose one of its members to preside.

Quorum.

58. One-third of the members of the said council shall constitute a quorum for the transaction of business, except for the passing of a by-law, when two-thirds of the council must necessarily be present.

Majority to
decide ques-
tions.

59. At all meetings of the said council the majority of the members present shall determine all questions and matters submitted to the council, except in those cases where a larger number of concurrent votes may be required in pursuance of the rules of the said council.

Rules of
council.

60. The council may make rules and regulations for its internal government, and for the maintenance of order during its sittings, which shall be binding on all parties concerned.

Order and
decorum.

61. The mayor shall maintain order and decorum during the sittings of the council; he may cause to be arrested, by any police officer or constable, or other person, any one who may disturb the order of the council during any sitting thereof, and have him, if he see fit, sent to the nearest police station, to be thence brought before the recorder, to be dealt with according to law.

62. Any person who, in any manner whatsoever, disturbs the order or proceedings of the council, or refuses to obey the legal order of the mayor or presiding member at any meeting of the council, as aforesaid, shall, on conviction, for every offence, incur a fine not exceeding twenty dollars.

63. The minutes of the proceedings of all meetings of the council to be held as aforesaid, shall be drawn up and fairly entered in a book to be kept for that purpose, and shall be signed by the mayor, or member presiding at such meeting; and the said minutes shall be open to the inspection of all rate-payers on payment of a fee of one shilling; and the said meetings shall be held with open doors, and all extracts from the book required to be kept by this section, and all copies of entries therein, and generally all certificates, deeds and papers, signed by the mayor, and countersigned by the city clerk of the said city, and under the seal of the said city, shall, in all courts of justice in this province, be taken and received as *prima facie* evidence of the facts set forth in such extracts, copies, certificates, deeds and papers respectively.

Minutes of proceedings at meetings to be kept.
Meetings to be public.
Copies of entries, certified by the clerk and under the city seal, to be deemed as *prima facie* evidence.

OFFICERS OF THE COUNCIL.

64. The said council shall, from time to time, as occasion may require, appoint a city clerk, a city treasurer, a city surveyor, a superintendent of water works, a city auditor, a chief of police, an inspector of buildings, clerks of markets, surveyors of highways, streets and bridges, health officers, assessors, collectors, pound-keepers, inspectors of meat, and such other officers as they may think necessary, to carry into execution the powers vested in them by this act, and the said council may prescribe and regulate the duties of all such officers respectively, and at their pleasure remove any such officer, and appoint another in his place; and the said council shall take such security for the due execution of the offices of city treasurer, and other officers charged with the collection of the city revenue, as the said council may think proper, and shall and may grant to the city clerk, treasurer and other officers, to be appointed as aforesaid, such salary, or other compensation for their services, as they may think fit.

City clerk, city treasurer, clerks of markets.
Surveyor of highways, overseers, collectors, pound keepers, and other officers, to prescribe duties.
Security to be taken.
Salaries to be given.

65. The city treasurer shall, in books to be kept for that purpose, enter true accounts of all sums of money by him received or paid, as such treasurer, and the several matters for which such sums shall have been received or paid; and the books containing the said accounts shall, at all reasonable times, be open to the inspection of the mayor or any of

City treasurer; his duties.

Accounts to be annually submitted to the auditor and to the council for examination and audit.

Abstracts of accounts to be annually printed.

the aldermen of the said city; and all the accounts of the said treasurer, with all vouchers, departmental books and papers relating thereto, shall at all times, be open to the inspection of the city auditor, whose duty it shall be to examine the same, from time to time, and as often as may be deemed necessary; and at the termination of every civic year, the city auditor shall certify to the correctness of the said treasurer's accounts and abstract of the receipts and disbursements of the preceding year, if found on examination, to be a true and faithful report of the transactions of the year; after the said accounts shall have been so examined and audited, the treasurer shall, without delay, cause to be printed a full abstract of his accounts for the year, which shall be open to the inspection of all the rate-payers of the said city, and a certain number of copies thereof shall be printed for distribution.

In case of absence of city clerk or city treasurer.

66. In case the city clerk or the city treasurer be absent from the city, or, from sickness or any such cause, be incapable of discharging the duties of his office, the assistant city clerk or the city auditor (as the case may be) shall, during such absence, act as city clerk or city treasurer, and discharge the duties of the said offices respectively; and all acts, matters and things done by the said assistant city clerk or by the city auditor, during such absence, shall have the same force and effect as if performed by the city clerk or the city treasurer himself.

City officers disqualified from voting.

67. In addition to the persons already disqualified by law from voting at any election of mayor or alderman in the said city, no officer or servant in the pay of the said council, nor any officer, constable, or other member of the police force or of the fire brigade of the said city, shall be qualified to vote at any such election.

Certain officers to render detailed accounts.

68. The treasurer, or any other officer of the said city, charged with the collection of the city revenue, shall, as often as the mayor may direct, deliver a true and faithful account in writing, of all matters committed to his charge; and also, of all moneys which shall have been by him received, by virtue, or for the purposes of this act, and how much thereof shall have been paid and disbursed, and for what purposes, together with proper vouchers for such payments: and every such officer shall pay all such moneys as shall remain due from him to the treasurer, or to such person as the said mayor shall authorize to receive the same; and if such officer shall refuse or wilfully neglect to deliver such account, or the vouchers relating to the same, or to make payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said mayor, or to such person as the

To pay over all moneys by them due.

mayor shall authorize to receive the same, within three days after being thereto required by the mayor, all books, documents, papers, and writings in his custody or possession as such officer, then, and in every such case, on complaint made by the said mayor, of any such refusal or wilful neglect, to the recorder's court, the said court may issue a warrant for bringing any such officer before it; upon the said officer appearing, or not appearing, or not being found, it shall be lawful for the said court, to hear and determine the matter in a summary manner; and if it shall appear that any moneys remain due from such officer, the said court may, by warrant, cause such moneys to be levied by distress and sale of the goods and chattels of such officer; and if sufficient goods and chattels shall not be found to satisfy the said moneys and the charges of the distress, or if it shall appear to the said court that such officer has refused or wilfully neglected to deliver such accounts, or the vouchers relating thereto, or that any books, documents, papers, or writings in the custody or possession of such officer, in his official capacity, have not been delivered as aforesaid, or are wilfully withheld, then, and in every such case, the said court shall commit such officer to the common gaol, there to remain, until he shall have paid such moneys as aforesaid, and shall have delivered a true account as aforesaid, together with such vouchers as aforesaid, and until he shall have delivered up such books, documents, papers and writings as aforesaid, or have given satisfaction in respect of the matters aforesaid; provided that no person so committed shall be detained in prison for want of sufficient distress only for a longer space of time than three calendar months; provided also, that nothing in this act contained shall prevent or abridge any remedy by civil action against any officer so offending as aforesaid or against any surety for any such officer

How they may
be proceeded
against.

In default of
payment, the
party may be
imprisoned.

Term of im-
prisonment
limited.

Remedy by
action not to be
abridged
against such
officer or his
surety.

TAXATION.

69. Before the first day of May every year the said council shall appoint as many assessors for the said city, not exceeding nine in number, as may be necessary, and may grant them such remuneration for their services, as the said council may deem fitting; and any vacancy among the assessors may be filled by the said council.

Assessors.

70. If any of the assessors appointed as aforesaid shall at any time fail in the due performance of his duties, or shall not fulfil the said duties in a faithful, diligent and impartial manner, the said council may remove and replace the assessor who may have thus violated his obligations.

May be re-
moved and re-
placed.

Assessment
rolls

71. The assessors shall each year value and assess all real property within the limits of the city, and make returns also of the names of all persons liable to pay any tax, duty or impost, specifying the amount payable by every ratepayer, according to law.

Mode of
assessment.

72. The assessors, in assessing real property in the said city, shall base the assessment on the *bonâ fide* rent thereof, or on the interest of the actual or real value of such property, if the rent be found to be unfair and disproportioned to the value of the property assessed: if the property shall be occupied by, or in the possession of the owner thereof, the assessors shall determine the assessment to be paid thereon, upon and according to the rent which the said property may be worth or ought to produce, or upon the interest of the actual or real value of such property, at their discretion: vacant lots shall be assessed upon the interest of the actual value thereof.

Assessors to
be sworn.

73. The assessors, prior to acting as such, shall take and subscribe, before the mayor or any two members of the said council, the oath of qualification in the schedule K hereunto annexed.

Extent of their
jurisdiction.

74. The power and authority of the assessors appointed under and by virtue of this act, shall be and continue in force, and may be exercised for and during the period and term of their appointment, to wit: until the first Monday in March in the year next following their said appointment.

Finance com-
mittee to regu-
late duties of
assessors.

75. The finance committee of the said council shall regulate and determine the time when the assessors of the said city shall annually begin their duties, the manner in which they shall perform them, the period within which they shall annually make their first general return of the assessments to be levied in the said city, and the time and manner in which they may correct their said return by extending the same, and adding thereto the names of any parties omitted, or who shall have become known to the said assessors, or shall have arrived in the said city, or shall have become liable to pay any assessment, tax, or duty to the said city, at any time after the said general return shall have been made; provided always, that all duties that may be performed by the said assessors, may be performed with equal force and effect by a majority of the said assessors, and that in all cases where there may be a difference of opinion among the said assessors, the opinion of a concurring majority of them, shall have the same force and effect as if the whole of the said assessors had concurred.

The duties of
assessors may
be performed
by a majority
of them.
Case of differ-
ence of opin-
ion, how met.

76. Any person who shall refuse to reply to the questions which are put to him by any assessor in the discharge of the duties imposed upon him by law, or who shall give information to the said assessor which he knows to be false, or who shall verbally insult or slander or strike such assessor, or who shall refuse to allow any such assessor, in the discharge of his said duties, to enter in and upon his property or the locality occupied by him, shall incur for each such offence a penalty not exceeding twenty dollars, which shall be recovered, according to law, before the recorder's court of the said city.

Assessors protected in the discharge of their duties.

77. 1. The assessors shall complete the assessment rolls of the several wards of the city with proper diligence, and shall make out fair copies thereof to be left with one of their number, in their office in the city hall of the said city; as each roll is completed they shall give public notice thereof in the newspapers in which the advertisements of the corporation usually appear;

Completion of assessment rolls.

2. Such notice shall set forth that the assessors have completed their assessment roll of the ward or wards stated in the said notice, and that a copy thereof is left with one of their number at their office in the City Hall, where the same may be seen and examined by any person interested during the delay specified in the notice, which delay shall in no case be less than fifteen days from the first insertion of the said notice, and that, after the expiration of said delay, at a day and hour to be stated in the said notice, the assessors will meet, at their office aforesaid, to review their assessments of the real estate set down in the said assessment roll; on the application of any person conceiving himself aggrieved, it shall be the duty of the said assessors on such day to hear and examine all complaints in relation to such assessments of real estate that may be brought before them; and they are hereby empowered, and it shall be their duty to adjourn from time to time, as may be necessary, to hear and determine such complaints, and to keep a summary record or minute of their proceedings, in which the said assessors may, if they see fit, also state the grounds on which they shall base their judgments on the complaints submitted to them;

Notice of such completion.

Hearing complaints.

3. Whenever any person on his own behalf or on behalf of those whom he may represent, shall apply to the said assessors to reduce the value of his property as set down in any of the said assessment rolls, it shall be the duty of such assessors to examine such person touching the value of the property in question, and after such examination, they shall fix the value thereof at such sum as they may deem just, of which the said assessors shall give communication to the complainant, either personally, or by causing a written or

Applications for reduction of assessment.

printed notice to that effect to be left at his usual place of abode, or through the post office, if he reside outside the city limits; but if such complainant shall refuse to answer any question as to the value of his property, or the amount thereof, the said assessors shall not reduce the value of such property; the examination so taken shall be written, and shall be subscribed by the person examined, and shall be filed in the office of the said assessors;

Recourse
to the Rec.
court against
decision of
assessors.

4. Any person complaining as aforesaid to the said assessors of his assessment on his property, and applying for a reduction of the same, who may think himself aggrieved by the decision of the said assessors may, at any time within three weeks from the date of the said notice, complain thereof by petition to the recorder's court, which shall have exclusive jurisdiction in all cases of complaint against the judgments of the said assessors on the applications made to them for a reduction of assessment on real estate; all such petitions, together with a certified copy of the proceedings had in each case before the assessors as aforesaid, shall be filed with the clerk of the recorder's court, who shall give each petitioner due and sufficient notice of the day and hour when the said recorder's court will proceed to hear and determine the merits of his complaint; and any party aggrieved by any decision of the said recorder's court with respect to any such complaint, may address himself by summary petition, to any one of the judges of the superior court for the province of Quebec, sitting at Montreal, presented either in term or vacation, within a delay of eight days from and after the rendering of such decision; and thereupon it shall be lawful for such judge to order that certified copies of the proceedings of the said assessors complained of by the petitioner, and of the decision of the recorder's court on his complaint thereof, together with such complaint itself, be transmitted to him; and upon receipt thereof he shall, after having heard the petitioner, either in person or by attorney, make such order in the premises as to law and justice may appertain;

Recourse to the
Superior court
against deci-
sion of rec.
court.

Delays to be
final.

5. All the delays above mentioned shall be final, so that any complainant who shall neglect to make his complaint or proof within the time specified, and take out such appeal within the prescribed delay, shall be foreclosed from so doing, and be held responsible and be compelled to pay the amount for which he be assessed, according to the said assessment books, together with all sums charged against him for taxes, rates, imposts, duties or other municipal charges;

Rolls when
completed to
whom deliver-
ed.

6. When the assessors shall have completed the roll of any ward, they shall deliver the same, duly certified and signed, to the treasurer of the said city.

abrogated

78. 1. It shall be lawful for the said council to make by-laws for the following purposes : By-laws may be made.

2. To impose and levy an annual assessment on all real or personal property, or both, in the said city or upon the owners or occupiers thereof, not to exceed thirty cents per every four dollars on the assessed yearly value of such property ; To levy an annual assessment on real estate.

3. For the better protection of the lives and property of the inhabitants of the said city, and for preventing accidents by fire ; To prevent accidents by fire.

4. For regulating the construction, dimensions, height and elevation of chimneys, and especially where any houses or premises are built or elevated above other houses and premises to which they may adjoin or be near ; by whom, at whose cost, in what manner, to what height, and within what delay the chimneys of the less elevated houses or premises shall be raised or built up so as not to endanger the adjoining or neighbouring premises, and to prevent all hazard of accident or loss by fire ; To regulate construction of chimneys.

5. For establishing such rules and regulations as they shall deem expedient for preventing accidents by fire, and for the conduct of all persons present at any fire within the city ; And conduct of persons at fires.

6. For appointing all such officers as they may deem necessary for carrying such rules and regulations as aforesaid, into effect, and for prescribing the duties of such officers, and providing for their adequate remuneration out of the funds of the said city ; To appoint officers to carry rules into effect.

7. For defraying, out of the said funds, any expenses that they may deem it right to incur, for the purchase of engines or apparatus of any kind, or for any other purpose relative to the prevention of accidents by fire, or to the means of arresting the progress of fires ; To defray expenses to prevent fires.

8. For authorizing such officers as shall be appointed by the council for that purpose, to visit and examine at suitable times and hours, to be established in such by-laws, as well the interior as the exterior of all houses, buildings, and real property, of any description, within the said city, for the purpose of ascertaining whether the rules and regulations to be made as aforesaid, have been duly observed and obeyed ; and for obliging all proprietors, possessors or occupants of such houses, buildings, or real property, to admit such officers and persons into and upon the same, at the times and for the purposes aforesaid ; To authorize officers to visit buildings, &c.

9. For vesting in such members of the said council, and in such officers as shall be designated in such by-laws, the power of causing to be demolished or taken down, all buildings or fences which such members or officers shall deem necessary to be demolished or taken down, in order to arrest the progress of any fire ; To authorize the demolition of buildings at fires.

To prevent
depredations
at fires.

10. For preventing thefts and depredations at fires, and for punishing any person who shall resist or maltreat any member or officer of the council in the execution of any duty assigned to him, or in the exercise of any power vested in him by any by-law made under the authority of this section ;

To aid firemen
wounded when
on duty.

11. For defraying out of the funds of the city, any expense to be incurred by the said council, in assisting any person in their employ, who shall have received any wound or contracted any disease at any fire, or in assisting or providing for the family of any person in their employ who shall perish at any fire, or in bestowing rewards in money, medals, or otherwise, upon any person who shall have performed any meritorious action at any fire ;

To impose a
further assess-
ment on real
estate.

12. For imposing over and above all other assessments which the said council are empowered to impose, an annual assessment to be assessed and levied on all real property within the said city, or upon the owners or occupiers thereof, in respect of such property, provided that such assessment shall not, in any one year, exceed five cents per every four dollars on the assessed value of the property lying and being within the said city, and for regulating the time and manner in which such assessment shall be collected ;

Business tax.

13. To impose and levy an annual tax (to be called "the business tax") on hotel or tavern-keepers, brewers, distillers, merchants, traders, manufacturers, pedlars, bankers, brokers and money changers, auctioneers, grocers, bakers, butchers, hucksters, pawnbrokers, livery stable keepers, carters, tanners, inspectors of ashes, pork, beef, flour, butter or other produce ; on railway, telegraph, insurance, gas, steamboat, or steamship companies doing business in the said city ; on owners of horses, carriages, dogs ; on proprietors or managers of theatres, billiard rooms, ball alleys or other like games ; on ferrymen plying for hire for the conveyance of travellers by water to the said city, from any place not more than nine miles distant from the same ; and generally on all trades, manufactories, occupations, business, arts, professions or means of profits, livelihood or gain, whether herein before enumerated or not, which now are or may hereafter be carried on, exercised, or in operation in the said city ;

Commutation
money.

14. To fix the amount of the commutation money payable by each person liable to statute labour on the highways in the said city, and to compel every person, so liable, to pay the amount of such commutation money so fixed, without his being allowed to offer his personal labour on the said highways instead thereof ;

Special assess-
ment to meet
interest, &c.

15. To impose a special assessment to be made every year until the paying off of the respective debts created for the

establishment of the Mount Royal park, for aid to railways and for drainage, as hereinafter provided ; the said assessment to be levied on all real estate in the said city, and to be of sufficient amount to meet the interest on the said debts and the sinking fund for the extinguishment of the same.

79. Every tax or assessment imposed by virtue of the foregoing provisions shall be payable annually, and at the period fixed by such by-law. Tax, when payable.

80. Every assessment imposed by virtue of the foregoing or any other provision of this act, may be levied on the lots subject to such assessment, as such lots appear and according to the number given to each such lot or subdivision of such lots upon the official plan and in the book of reference for the said city, made in pursuance of the provisions of chapter thirty-seven of the Consolidated Statutes for Lower Canada, and of the act 27 and 28 Vict., chap. 40 ; and henceforth the number given to such lot upon the said plan and in the said book of reference, shall be a sufficient description of such lot in the assessment rolls of the said city, to enable the said corporation to levy such assessment. Assessment to be based on cadastral plan.

81. Every special tax imposed in virtue of the foregoing provisions may, in the discretion of the said council, be a fixed annual rate on all or any of the several classes of persons subject to such tax, and on the premises by them occupied for the purpose of their trade, business or manufacture, or a proportional tax to be determined by the said council according to the assessed annual value of the real estate or any part thereof, occupied as aforesaid, or according to the annual value of the lease of such real estate or any part thereof, occupied as aforesaid, by the persons liable to such tax, or by both modes at once, that is to say, a fixed tax on the persons liable to such tax, and a proportional tax on the real estate occupied as aforesaid ; or only a fixed tax on such person, according as the said council may in each case consider it to be most advantageous to the said city ; the said council may also, if they see fit, impose the said tax in the form of a license payable annually at such time, and under such conditions and restrictions as the said council may determine. Mode of levying the tax.

82. In the case of any tax imposed on the partner of a firm or company of merchants, such tax may be claimed and recovered in the manner prescribed for the recovery of assessments or taxes imposed by the said council, either against such partner or against the firm or company of which he is partner. Tax on partners.

Word "agent"
interpreted.

83. The words "agent" "or agency," in the foregoing sections, signify any and every agent or any and every agency of one and the same company or partnership having several distinct and separate agents or agencies in the said city, and the special rate imposed on the different trades, business or occupations hereinabove specified, shall be payable for every establishment of such trade, business or occupation in the said city, when it shall be carried on by the same person, firm, or persons or company in more than one distinct and separate house or place of business.

As to assess-
ment on pro-
prietors *par*
indivis.

84. Whenever any assessment shall have been imposed upon any real property belonging to several co-heirs, or possessed *par indivis* by several persons whose names cannot be easily ascertained by the assessors, it shall suffice for the said assessors to inscribe in the assessment books, the name of one of the co-heirs or co-possessors; and the co-heir or co-possessor whose name has thus been inscribed in the said books, shall be held liable for the full payment of the assessment, thus imposed, reserving his full remedy as by law against his co-heirs or co-possessors.

COLLECTION OF TAXES AND ASSESSMENTS.

Notice to
rate-payers.

85. Upon the return by the city assessors, of the assessment roll for any of the wards of the said city, and the revision and completion of the same, or upon the return of any special roll of assessment, the city treasurer shall give public notice (see schedule L, hereunto annexed,) in two newspapers published in the English language, and two newspapers published in the French language, that the said assessment roll is completed and deposited in his office, and that all persons whose names appear therein as liable for the payment of any assessment, tax or duty, are required to pay the amount thereof at his office in the city-hall, within ten days from the date of the last insertion of the said notice in the said newspapers; provided that the said notice shall have at least four insertions in each of the said newspapers.

Schedule L.

Special notice
to rate-payers
in arrears.

86. If at the expiration of the ten days as aforesaid any assessment or tax remain unpaid, the said treasurer shall cause to be left at the usual place of residence, domicile, office or place of business of the person owing such tax or assessment, or with him personally, a statement of the various sums and of the total amount of taxes or assessments, exclusive of water rates, and shall at the same time, in and by a notice annexed to such statement (see schedule M hereunto annexed,) demand payment of the taxes or assessments therein mentioned, together with the costs of the

Schedule M.

service of such notice, according to such tariff as the said council may establish.

87. The provisions of the next preceding section shall not apply to persons residing beyond the limits of the said city; the said persons shall be bound to pay their taxes or assessments within thirty days after the public notice mentioned in the eighty-fifth section of this act, without it being necessary that any demand should be made upon them either personally or at their domicile, office or place of business.

Preceding
section not to
apply to non-
residents.

88. If any rate-payer neglects to pay the amount of assessments or taxes imposed upon him, for the space of fifteen days after such demand made as aforesaid, the city treasurer may levy the same with costs and interest (if any due,) by warrant to be issued by the recorder's court (according to schedule N hereunto annexed,) authorizing the seizure and sale of the goods and chattels of the person bound to pay the same, or of any goods and chattels in his possession, wherever the same can be found within the said city; and no claim of property or privilege thereon or thereto shall be available to prevent the sale thereof for the payment of the assessments, taxes or duties and costs, out of the proceeds thereof.

Seizure to issue
after a delay
of 15 days

265-68-69-
36 Geo III. 2. 263

89. Before proceeding to the sale of the goods and chattels of any rate-payer indebted as aforesaid, the city treasurer shall give public notice (see schedule O hereunto annexed,) of the day and place of sale, and of the name of the person whose goods and chattels are to be sold, which said notice shall be posted in a conspicuous place at the entrance of the city-hall of the said city, at least forty-eight hours previous to such sale.

Notice of sale
of goods and
chattels.

90. If the goods and chattels seized are sold for more than the whole amount of assessments or taxes levied for and the costs attending the seizure and sale, the surplus shall be returned to the person in whose possession such goods and chattels were, when the seizure was made; but if any claim for such surplus is previously made by any person by reason of any alleged right of property or privilege upon such surplus, and such claim is admitted by the person for whose assessments, taxes or duties the seizure was made, such surplus shall be paid to such claimant; and if such claim be contested, the surplus money shall be retained by the said treasurer until the respective rights of the parties be determined by the recorder's court.

Surplus of pro-
duct of sale—
how disposed
of.

Notice to
water-tenants.

91. Within a week from and after the time appointed by any by-law of the said council for the payment of the water rates imposed for any supply of water given or furnished from the Montreal water works in the said city, the city treasurer shall give public notice (see schedule P hereunto annexed,) in two newspapers published in the French language, and two newspapers published in the English language, that the said water rates are due, and that all persons liable for the payment of any of the said rates are required to pay the amount thereof to him, at his office, within ten days from the date of the last insertion of the said notice in the said newspapers; provided that the said notice shall have at least four insertions in each of the said newspapers.

Special notice
to water-
tenants in
arrears.

92. If at the expiration of the said ten days any of the said water rates remain unpaid, the said treasurer shall leave, or cause to be left at the usual place of residence, domicile, office, or place of business of such person in arrear, or with him personally, a statement (see schedule M hereunto annexed,) of the various sums and the total amount of water rates due by such person, and shall at the same time, in and by a notice annexed to such statement, demand payment of the water rates therein mentioned, together with the costs of the service of such notice, according to such tariff as the said council may establish.

Seizure to issue
in default of
payment.

93 If any person in the said city neglects to pay the amount of water rates due by him, for the space of fifteen days after such demand made as aforesaid, the city treasurer may levy the same with costs and interest (if any due,) in the same manner as unpaid assessments or taxes are levied under the foregoing sections of this act.

Property to be
sold after two
years' non-
payment of
assessment.

94. 1. In all cases of real property in the said city liable to assessment, on which two years assessment shall have accrued and become due, the said property, or any sufficient part or portion thereof, if the same be easily susceptible of division, may be sold for the non-payment and recovery of the arrears of assessment and interest due on the said real property; and the sheriff of the district of Montreal, upon the issuing of a writ or order to that effect by the superior or recorder's court, may sell and dispose of such property, after four months' notice to that effect, given by him, in the usual manner and form, in payment and satisfaction of any judgment obtained for the said arrears of assessment, and whether the said judgment be obtained in the said superior court or in the recorder's court; and the moneys levied by the sale of the said property to be so as aforesaid sold, the said sheriff shall in all cases return before the said superior

How property
is to be sold for
arrears of
assessment,
and percent-
age thereon.

Return of
sheriff to be
made to the
sup. court.

Repealed by 42-3
Ch 53 § 27

court sitting in the district of Montreal, to be by the said court adjudged upon, distributed and ordered to be paid according to law, and the rights and privileges of the parties claiming the same ; provided however, that any balance or amount of the said moneys to be so as aforesaid levied by the said sheriff, remaining in the hands of the said sheriff after the judgment and distribution pronounced thereon by the said court, shall, within fifteen days thereafter, be paid over by the said sheriff to the treasurer of the province, to remain in his hands at an interest of six per cent, till demanded and claimed by the party having a right to demand and claim the same ;

2. The provisions contained in articles 1,022 and 1,025 of the municipal code of the province of Quebec shall have force and effect within the limits of the city of Montreal, except that the city clerk shall act instead of the secretary-treasurer of the county municipality.

Right of redemption reserved

95. Any assessment with which any real estate within the said city may be legally assessed, (special assessments for street improvements excepted,) may be exacted and recovered, either from the owner of the real property so assessed, or from any person occupying the same or any part thereof, either as a tenant or otherwise ; and when any such assessment shall be paid by any tenant not bound to make such payment, by the lease or other agreement under which he occupies such real estate, such tenant shall have the right to deduct the sum so paid by him, from the rent payable by him in respect of the enjoyment or occupation of the real estate so assessed ; provided always, that a judgment obtained or execution issued against either party, proprietor or tenant, shall not hinder proceedings against the other party for payment of the said assessment, if the same cannot be had or obtained from the party first proceeded against.

Tenant liable to pay assessment with the right to deduct amount paid from rent.

96. All debts which, from and after the passing of this act, shall become due to the said corporation, for any tax, assessment or water rate imposed under and by virtue of any by-law of the said council, shall be privileged debts, and shall be paid in the order fixed and determined in articles 1,994 and 2,009 of the civil code of Lower Canada, and shall, in the distribution of the proceeds of property, whether real or personal, of any person liable to pay any such debt, be so held, considered, and adjudged, by all courts of justice, and by all commissioners, or other persons having jurisdiction in bankruptcy in this province ; provided always, that the privilege hereby granted, shall not extend beyond the assessments due for five years, that is to say, for the current year when such claim may be made, and for the

City dues to be privileged debts.

five years next preceding that year; and provided also, that the said privilege shall not require registration to preserve it, any act, ordinance, or law to the contrary notwithstanding.

Limitation
of privilege.

97. The privilege granted by the next preceding section shall have no priority or preference over any mortgage or privileged claims of third parties upon the real property of any person liable for such debts, save and except for the assessment actually due and owing upon such real property, but the proceeds of the said real estate sold and realized by justice shall, after payment of such assessment actually due thereon, be distributed among such mortgage or privileged claimants according to their respective legal rights, and the balance, if any, to the said corporation on account of, or for the said debt; and no assessments for which the said corporation shall have been collocated by any judgment of distribution of the proceeds of any real property, to the prejudice of any mortgage or privileged claimant thereon, other than for the assessments upon such real property, shall be held to be paid by the person owing such assessments, but the mortgage or privileged claimant so prejudiced shall be to all intents and purposes subrogated in the rights of the said corporation, as to such assessments, and shall have the power to proceed in his own name for the recovery of such assessments, either by action or opposition, to the same extent, and in the same manner that the said corporation could have done, if such collocation had not taken place.

Suits against
non-residents.

98. Suits for assessments or taxes against non-residents may be brought in any court of justice having competent jurisdiction.

Discount on
assessments
allowed.

99. It shall be lawful for the said council, by a by-law, to allow such rate of discount as may be considered expedient, on all assessments, taxes, and water rates, paid within such delay after the completion of the assessment in each year, as the said council shall fix upon and set forth in the said by-law; and the said council may, by any such by-law, charge interest, not exceeding ten per cent, on the amount of all assessments and taxes which may remain unpaid after such delay, from the completion of the assessment in each year, as the said council may determine and fix upon in the said by-law.

CITY FINANCES.

Fiscal year.

100. The fiscal year in the city of Montreal, shall commence on the first day of January, and shall end on the last

*Amended per 46 by-laws
Ch. 7656*

day of December, both days inclusive, and the assessments, rates, taxes and duties imposed and levied each year shall be held and considered as being imposed and levied for that period.

101. Every year, on or before the first day of May, the said council shall make an appropriation of the amounts necessary to meet the expenses of the current year, by providing:

Appropriations
—how made.
*origin of these
provisions in
26th Vic. Ch 67.
§ 5 & seq.*

1. For the payment of the interest, and sums required for the sinking fund on the debt due by the said city;

2. For the general and ordinary expenses of the city;

3. For the sums required for contemplated improvements;

4. For a reserve of not less than five per cent to be used exclusively to meet unforeseen expenditure.

102. Such appropriation shall never exceed the amount of the receipts from the preceding year, added to the balance of the said receipts which shall not have been expended.

Limit of ap-
propriations.

103. It shall not be lawful for the said council to expend beyond the amount so appropriated, except in cases and under the conditions hereinafter set forth; but the council may at any time vary the application of the sums so appropriated.

Expenses not
to exceed ap-
propriations.

104. Any member of the council who shall have sanctioned the expenditure of any sum of money beyond the amounts so appropriated and the amounts at the disposal of the council, in conformity with the foregoing sections, shall be personally responsible therefor.

Penalty on
members vot-
ing for any
excess.

105. In cases of urgent necessity, the said council may, by a majority of its members, pass a by-law to make any appropriation they may think necessary beyond the amounts at their disposal; provided, that by such by-law an additional assessment shall be imposed, payable during the course of the year in which such by-law is passed, and sufficient to cover the amount so appropriated, which assessment shall be imposed on all real estate in the said city, and may be recovered and collected in the same manner as the ordinary taxes and assessments imposed and levied in virtue of this act.

In cases of
urgent neces-
sity, extra
appropriation
may be made.

*See § 120-
& 39 Vic. Ch 53-
§ 8-*

106. 1. A consolidated fund is hereby established for the city of Montreal, to be known as the "city of Montreal consolidated fund," which shall consist of stock or shares and debentures of one hundred dollars each, which the

Montreal con-
solidated fund
established.

Fund divided
into 3 classes.

corporation of the said city may dispose of, from time to time, as opportunity offers, to an amount not exceeding five millions of dollars, and the said stock or shares or debentures shall form three classes, under letters A. B. C., to be composed as follows :

Class A.

2. Class A, shall comprise the stock or shares to be known as "the Montreal water works stock," to the amount of three millions of dollars, which shall be applied towards the paying off and extinction of the debt incurred for, and in respect of the water works of the said city, and shall be secured by special mortgage and privilege, and without the formality of registration at the registry office, on the real estate, buildings, machinery, apparatus, mechanism and works generally in connection with the water works department ;

Class B.

3. Class B, shall comprise the stock or shares to be known as "the Montreal public property stock," to the amount of one million dollars, which shall be applied towards the paying off and extinction of the debt incurred for, and in respect of public property in the said city, and shall be secured by special mortgage and privilege, and without the formality of registration at the registry office, upon the public markets, fire and police stations, fire alarm telegraph and drill shed, including the land in connection therewith, the old St. Ann's market property lying between McGill, William and College streets, and the public squares in the said city ;

Class C

4. Class C, shall comprise the bonds or debentures to be known as "the Montreal terminable debentures," to the amount of one million of dollars, which shall be applied towards the paying off and extinction of the general debt of the said city, and shall be secured by a sinking fund, as hereinafter provided.

Shares in
classes A and
B are perma-
nent

107. The shares or stock comprised in the two first classes, to wit: "the Montreal water works stock," and "the Montreal public property stock," shall be permanent, in perpetuity and unredeemable ; and the bonds or debentures of the third class, to wit: "the Montreal terminable debentures," shall be payable in twenty-five years from date ; and upon all shares, stock or debentures of the three classes above mentioned, as forming the "city of Montreal consolidated fund," there shall be paid by the treasurer of the said city to each of the subscribers to the said consolidated fund, interest at a rate not to exceed seven per cent, the said interest payable semi-annually, on the first day of May and the first day of November, every year.

Certificate of
shares.

108. Any person who shall subscribe for or purchase one or more shares in the said consolidated fund, shall receive

from the treasurer of the said city a certificate to that effect, to be signed by the mayor of the said city, and sealed with the seal of the said city ; which said certificate may be according to schedule Q or R hereunto annexed (as the case may be.)

109. It shall be lawful for the said corporation to negotiate the said shares, stock and debentures either in this province or elsewhere, and to pay the interest on the same either in sterling money or in the current money of Canada, and to pay off class C, terminable debentures, in like manner ; and the principal and interest of the said shares, stock and debentures may be made payable either in this province or elsewhere, and in the current money of Canada, or, in that of the place where the said principal and interest shall be payable. Shares—how realised.

110. 1. It shall be the duty of the city treasurer to enregister, in a book to be kept for that purpose, all shares, stock and debentures that may be negotiated by virtue of the preceding sections, as they are disposed of, and also the name of each individual, person, or firm of persons, or corporation, who may have subscribed to any amount of the said shares, stock or debentures ; and when such subscriber shall transfer or make over his said shares to a third party, such transfer or cession may be made according to forms in schedules S or T hereunto annexed (as the case may be,) and the same shall be entered or registered by the said treasurer in a distinct book or register to be kept by him for that purpose, and to which access may be had by interested parties on demand ; and such subscriber or transferee last enregistered, as hereinbefore prescribed, shall be held to be *prima facie* the creditor of the amount of such shares, stock or debentures, and such shares, stock and debentures are and shall be transferable in the manner aforesaid ; Stock book.

2. The city clerk shall also keep a register in which shall be summarily entered all transactions made by the treasurer as herein provided, and the city auditor shall keep a registration ledger of such transactions, separate and distinct from the general ledger ; and he shall compare the same, from time to time, with the books of record kept by the city clerk and the city treasurer respectively. City clerk and auditor to keep a register of stock.

111. To facilitate transactions in the stock, shares and debentures of the city of Montreal consolidated fund, or in any of the loans which the council of the said city, are, by law, authorized to make, it is enacted that the said stock, shares or debentures may be validly transferred and made over, either in this province or elsewhere, by means of en- Transfers—how made.

dorsement in conformity with schedules U. or V. (as the case may be,) hereunto annexed; provided that any sum of money paid to the bearer of any such certificate for interest accruing on the stock represented by such certificate shall be endorsed on the said certificate.

Sinking fund.

112. Every year, on or before the thirty-first day of December, the city treasurer shall take from and out of the annual revenues and funds of the said corporation, and before the payment of any appropriation whatsoever of the said revenues or funds, a sum of money equal to one or two per cent (as the case may be, and according to the period fixed for the maturity of the said loans respectively,) on the debt created by the sale of bonds or debentures issued under class C, of the said "city of Montreal consolidated fund," and under the authority of section one hundred and fourteen of this act; for which purpose the said corporation shall, by rating or otherwise, every year, provide sufficient revenues and funds, and which said sum of one or two per cent, with the accumulating interest thereon if necessary, the said treasurer shall every year, keep apart from all other moneys, to be invested and applied solely and exclusively as a sinking fund, towards the extinction of the debt created by the issuing of bonds or debentures, as hereinbefore provided; and the said treasurer shall invest the sum set apart as a sinking fund and all interest to accumulate thereon, in public securities, or bonds of the Government of Canada, or the local Government of Quebec, and not otherwise; provided, however, the said treasurer may, if deemed advisable by the finance committee of the said corporation, pay off, from and out of the said sinking fund, any sum in deduction of the debt created as aforesaid towards the gradual extinction of such debt, either by annual drawings or by purchase or otherwise, as the committee may direct; and the said treasurer shall place before the city council, at its monthly meeting in the month of March of each year, a certificate to the effect that he has faithfully fulfilled the obligations imposed upon him by the present section of this act, and in default of his so doing, the said city treasurer shall become and be liable to pay to the said corporation a fine of two thousand dollars, said currency, which may be recovered in the same manner as all other fines imposed in and by this act, and shall form part of the sinking fund aforesaid; and it shall be the duty of the auditor of the said city to submit to the said city council annually a statement under oath showing whether the said treasurer has or has not fulfilled all the obligations imposed upon him by the present section.

How invested.

Duty of city auditor.

113. The corporation of the said city shall at all times retain in their hands from and out of the "city of Montreal consolidated fund," a sum equivalent to the amount of their bonds, securities or debentures, then in circulation, and issued in virtue of the several statutes concerning the said corporation, and passed prior to the act creating such consolidated fund (31 vic. cap. 37); and it shall be lawful for the said corporation, with the said sum, to redeem the bonds, or debentures in circulation at maturity, or earlier by agreement with the holders thereof, or to receive the same in exchange for shares, stock or debentures available in virtue of the present act, on such terms and conditions as may be agreed upon.

Corporation to retain a certain amount.

114. 1. In addition to the stock, or shares and debentures authorized to be issued by the foregoing sections, and constituting "the city of Montreal consolidated fund," the corporation of the said city are hereby authorized to effect the following loans, that is to say:

Loans.

2. A sum not to exceed three millions, three hundred and fifty thousand dollars currency, to obtain a larger and permanent supply of water, for the said city; to procure additional storage for water, and to enlarge and extend the water pipes in the said city;

\$3,350,000 for water works.

3. A sum not to exceed one million, five hundred thousand dollars currency, to improve the drainage and sewerage of the said city, by the construction of main sewers or tunnels;

\$1,500,000 for drainage.

4. A sum not to exceed one million, five hundred thousand dollars currency, to improve the condition of the streets and highways of the said city, by the adoption of a thorough system of paving and macadamizing and the making and constructing of sidewalks or footpaths with durable and permanent materials only, to the exclusion of wood;

\$1,500,000 for street paving and sidewalks.

5. A sum not to exceed one million, five hundred thousand dollars to aid, by bonus or by subscription to the capital stock, such railway enterprises, as may, in the opinion of the said council, tend to promote the interests of the said city; but before doing so, it shall be necessary in each case, that a by-law to that effect, embodying the conditions on which such aid is to be given, be passed by the said council, and approved of and sanctioned by the municipal electors of the said city in the manner and form prescribed in and by section one hundred and twenty of this act;

\$1,500,000 for railways.

6. A sum not to exceed one million dollars currency, to acquire and establish a public park on and in the vicinity of the mountain of Montreal, to be known as "*the Mount Royal Park*," and hereinafter more fully specified;

\$1,000,000 for the Park.

\$450,000 for
a city-hall.

7. A sum not to exceed four hundred and fifty thousand dollars currency, to erect a city-hall on the lot of ground in Notre Dame street, near the court house, in the said city, ceded to the corporation by the provincial government on the twenty-ninth day of June, one thousand eight hundred and sixty-seven ;

\$200,000 for
street opening.

Proviso :

8. A sum not to exceed two hundred thousand dollars currency, for the opening or widening of streets, squares or public places in the said city ; provided however, that the said corporation shall not contribute, out of the said loan, more than one-third of the cost of the opening or widening of any street, square or public place, and the remaining two-thirds, shall be paid by the proprietors interested in the said improvement, who shall be assessed to that effect by commissioners to be appointed, and to act as provided in and by sections one hundred and seventy-six, and one hundred and eighty-five of this act ; but such improvement will require to have been resolved upon by an absolute majority of the members of the council of the said city ; provided also, that when the council of the said city shall, by a resolution adopted by a vote of two-thirds of its members, determine to carry out such improvement and to contribute from the city funds, one-third of the costs thereof, the right of opposition conferred in and by section one hundred and seventy-six of this act, upon the proprietors interested, shall be suspended, in so far as it relates to such improvement ; provided, however, the said council, before adopting any such resolution, shall have previously given ten days' notice to that effect, in at least one English and one French newspaper published in the said city, and the said notice shall be given at least two insertions in the said newspapers ;

\$170,000
for fire and
police stations.

9. A sum not to exceed one hundred and seventy thousand dollars currency, to establish and erect police and fire stations, and to acquire the necessary site for that purpose ;

\$100,000 for
public slaughter
houses.

10. A sum not to exceed one hundred thousand dollars currency, for the purpose of establishing and erecting one or more public slaughter houses, and acquiring by amicable settlement or by means of expropriation, as herein provided, the necessary sites therefor, either within or beyond the limits of the said city ;

\$50,000 for
hospital.

11. A sum not to exceed fifty thousand dollars currency, to aid in the construction and establishment of hospitals for contagious or infectious diseases under such conditions as may be determined upon by the said council ; and the said corporation may acquire real estate for that purpose in any adjoining municipality, by the ordinary process of expropriation, or by amicable arrangement ; provided the consent of such municipality be previously obtained by a resolution of the council of the said municipality ;

12. A sum not to exceed twenty-five thousand dollars ^{\$25,000 for} currency, to aid in the erection and establishment of a gaol ^{female prison.} for females in this city ;

13. A sum not to exceed twenty-five thousand dollars, ^{\$25,000 for} currency, to establish and erect in the said city or its vicinity, permanent buildings for the agricultural and industrial exhibitions of this province, and to acquire the necessary site therefor ; ^{permanent buildings for agricultural shows.}

14. The several loans specified in the present section respectively include the amounts already authorized by prior acts (see schedule appended to the act of the legislature of Quebec, thirty-sixth Victoria, chapter fifty-four,) but not yet raised. ^{Loans include amounts previously authorized.}

115. The loans which the corporation of the said city are authorized to make by section one hundred and fourteen, may, at the option of the said corporation, either form part of the said city of Montreal consolidated fund, or be distinct and separate from such fund, and in the latter case it shall not be necessary that the bonds or debentures to be issued for the said loans be registered as hereinbefore provided. ^{May or may not form part of consolidated fund.}

116. It shall be lawful for the said corporation to issue bonds or debentures to the amount of the respective sums which the said corporation is empowered to borrow in and by the said section one hundred and fourteen, payable at such periods as may be deemed expedient, not to exceed forty, nor to be less than twenty-five years from the date of their respective issue of such bonds or debentures, and bearing interest payable semi-annually, on the first day of May and the first day of November in each and every year, and at a rate not exceeding seven per cent per annum ; the said bonds or debentures shall be signed by the mayor, and countersigned by the city clerk, with the seal of the said city thereunto affixed ; and they may be headed so as to designate the object and purpose for which they shall respectively be issued ; they may be issued from time to time, at such periods and for such amounts, and with such corrections as to time and mode of redemption as shall be deemed expedient ; and they may have *coupons* annexed to them for the half yearly-interest payable on them, which *coupons* being signed by the city-treasurer, shall be respectively payable to the bearer thereof when the half yearly interest therein mentioned becomes due, and shall, on payment thereof, be delivered up to the said corporation, and the possession of any such *coupons* by the said corporation shall be *prima facie* evidence that the half year's interest therein mentioned has been paid according to the tenor of such bonds or debentures ; and as well the interest as the principal thereof shall ^{Power to issue bonds.} ^{Form of bonds.} ^{Coupons.}

Treasurer's
signature may
be stamped.

be secured on the general funds of the said corporation : the city treasurer may affix his signature to said *coupons* by stamping the same thereon with a stamp provided for that purpose, with the authority of the said council; and the signature so affixed to such *coupons* shall, to all intents and purposes, be as valid as if in the handwriting of the said treasurer.

Bonds—how
negotiable..

117. Any sum which the said corporation is empowered to borrow under section one hundred and fourteen of this act, may be borrowed either in this province or elsewhere; and the principal sum and interest thereon as aforesaid, may be made payable either in this province, or elsewhere, and either in sterling money or in the currency of Canada, or in that of the place where the same shall be payable; and the provisions of section one hundred and twelve of this act, in so far as they relate to the establishment of a sinking fund, under the responsibility of the city treasurer, and his obligations and those of the city auditor in that respect, shall apply also to the bonds or debentures, the issue of which is authorized by section one hundred and sixteen of this act.

Corporation by
notice may
call in debentures over due
and interest to
stop on debentures called in
after a delay
of six months.

118. At any time after the bonds or debentures, or any of them that may have been or that shall be issued by the corporation of the said city under the authority of this or any former act, shall respectively become due according to the terms thereof, it shall be lawful for the corporation aforesaid, if they shall think proper so to do, to direct a notice to be inserted in the newspapers in which the advertisements of the said corporation usually appear, requiring all holders of the said bonds or debentures to present the same for payment, according to the conditions thereof; and if after the insertion of such notice for two months, any such bonds or debentures then payable shall remain out more than six months from the first publication of such notice, all interest on such bonds or debentures, after the expiration of the said six months, shall cease, and be no further payable in respect of the time which may elapse between the expiration of the said six months, and their presentment for payment.

Declaration of
amount of
borrowing
powers.

119. 1. It is hereby declared and enacted that the corporation of the said city are by this act authorized to borrow the several sums enumerated in part II of schedule W appended to, and forming part of this act, and no more, the purposes and terms for and on which the same were and are authorized to be borrowed being also therein stated, so that the aggregate amount which the said corporation on the passing of this act, are authorized to borrow or owe (in

or 39 vit ch 52
312-
& infra 3223.

change per 4231.53

addition to the stock or shares constituting "the city of Montreal consolidated fund," which fund is described in part I of the said schedule,) is nine millions, eight hundred and seventy thousand dollars current money of Canada, and no more;

2. Any person lending money to the said corporation shall not be bound or entitled to enquire as to the observance by them of any provision of this act, or to be bound to see to the application, or be answerable for any loss or non-application of such money or of any part thereof.

120. It shall be lawful for the council of the said city to make by-laws for the issuing of bonds or debentures to an amount not to exceed fifty thousand dollars in any one year, for any public improvement, or any object other than the ordinary improvements and requirements already here-in authorized and provided for, and over and above the ordinary yearly expenditure of the corporation of the said city; provided that every such by-law shall, before the third reading and final passing thereof, receive the sanction and approval of the municipal electors of the said city, in the manner following, that is to say:

2. Every such by-law shall declare the purpose to which the sum to be raised shall be applied, and make such other provisions as may be requisite for ensuring the due application of the money, and the attainment of the objects contemplated by the by-law;

3. Such by-law shall be made known to the rate-payers by giving it two insertions in the newspapers patronized by the corporation, and posting the same up in all the wards of the said city, with a notice appended to it, to be signed by the city-clerk, certifying that it is a true copy of a by-law which will be taken into consideration by the said council after the expiration of twenty days from the date of the posting up of the said by-law, and that on some day and hour named in the said notice and to be fixed by the mayor, such day, not being less than ten, nor more than fifteen days after such publication, a general meeting of the qualified municipal electors of the city will be held at the city-hall for the purpose of considering such by-law, and approving or disapproving of the same;

4. On the day and at the hour and place appointed by such notice, the qualified municipal electors, or such of them as choose to attend the meeting shall take the said by-law into consideration, and shall approve or disapprove of the same;

5. At such meeting, the mayor, or in his absence, the acting mayor, or any alderman of the said city, shall preside, and the city clerk shall act as secretary; and the only question to be determined at such meeting, shall be

Protection to
borrowers
against en-
quiries.

Power to make
by-laws for the
issuing of
bonds not
exceeding in
one year
\$50,000 for
any improve-
ment not
already pro-
vided for.

Such by-law
to be approved
by electors

By law to
specify pur-
pose of loan.

*Amended for 39 & 52
38*

To be publish-
ed and posted.

Meeting of
electors.

Proceedings at
such meeting.

whether the majority of the electors present thereat, do or do not approve of the by-law;

President to declare if majority are for or against the by-law.

6. When the question has been put, the person presiding shall declare, whether in his opinion, the majority is for the approval or disapproval of the by-law, and his decision, if not forthwith appealed from, shall be final, and shall be communicated to the said council, at their first sitting thereafter, by a certificate under the hand of the secretary of the meeting;

Poll may be demanded.

7. Any twelve duly qualified municipal electors, present at any such meeting, may appeal from the decision of the person presiding, and demand a poll; and such poll shall be granted by the said person presiding, who shall then and there fix and announce the day on which the poll shall be held, in the several wards of the city;

Poll—how held.

8. On the day fixed for holding such poll, each elector shall present himself in turn to the polling-place at which he is entitled to vote, and shall give his vote by "yea" or "nay," the word "yea" meaning that he approves the proposed by-law, and the word "nay," that he disapproves the same; but no person's vote shall be received unless he appears, by the then last revised municipal voters' list, to be a duly qualified elector;

Provisions relating to municipal elections to apply.

9. All the provisions contained in this act regulating the time and mode to be followed for the election of members of the said council, and for the maintenance of peace and good order during such election, shall apply *mutatis mutandis* to any election to be held for or against such by-law;

Provisions in reference to sinking fund, &c.

10. The provisions contained in sections one hundred and twelve, one hundred and sixteen, and one hundred and seventeen of this act in reference to the establishment of a sinking fund and the mode of issuing bonds or debentures shall apply to the bonds or debentures to be issued under the authority of this section.

Duty of treasurer, if at any time he shall not have money in his hands to meet interest due.

121. 1. If hereafter at any time it shall happen that the moneys in the hands of the treasurer of the said city, and applicable to the payment of the interest or of the principal of "the city of Montreal consolidated fund" aforesaid, or any of the loans authorized to be made by this act, shall be insufficient to pay any such interest or principal then due, it shall be the duty of the said treasurer to calculate what rate upon the assessed annual value of the property liable to assessment in the said city, will, in his opinion, (after making fair allowances for expenses, losses and deficiencies in the collection of such rate,) be required to produce a sum sufficient, with the moneys in his hands applicable to the purpose, to pay the sum due for such interest or principal or both, and to certify such rate under

his hand to the clerk of the said city, for the information of the council in the form of schedule X hereunto annexed ;

2. And such certificate shall have the like effect as a by-law of the council of the said city lawfully imposing the rate therein mentioned, and shall be obeyed and acted upon by all officers of the corporation and by all others, and the rate therein mentioned shall be forthwith levied and paid accordingly, and in addition to any other rates lawfully imposed by any by-law of the said council, any provision in this or any other act to the contrary notwithstanding; and the proceeds of such rate shall be applied first to the payment of the principal and interest, as the case may be, for the payment whereof the rate was imposed, and if there be any surplus of the said proceeds, such surplus shall form part of the sinking fund for the extinction of the said "Montreal terminable debentures" or the said loans, or if there be no such debentures or loans for which a sinking fund is required under this act, then such surplus shall be applied to the general purposes of the corporation.

Effect of certificate.

122. 1. On the issuing of a writ of execution, commanding the sheriff to levy any sum of money due by the said corporation for the interest or principal of "the city of Montreal consolidated fund" or both, or of any of the said loans, the plaintiff may require, and the court may order that such execution be levied by rate; and if such order be made, the sheriff shall cause a copy of such writ to be served upon the city treasurer; and if the money therein mentioned, with all the lawful interests and costs which the sheriff is commanded to levy, be not paid within one month, from the time of such service, the sheriff shall himself calculate, as nearly as may be, what rate upon the assessed value of the real property liable to assessment in the said city, will, in his opinion, after making fair allowances for expenses, losses and deficiencies in the collection of such rate, be required to produce a net amount equal to the sum, interests and costs he is commanded to levy, and ten per cent thereon in addition, and shall certify such rate under his hand to the city clerk for the information of the said council, in the manner and form *mutatis mutandis*, prescribed for the certificate of the treasurer in the preceding section of this act, and shall attach thereto his precept, commanding the said corporation and all officers whom it may concern, forthwith to cause the said rate to be levied, and the proceeds thereof paid over to him; and such certificate shall have the like effect as the certificate of the treasurer, in the preceding section mentioned, and such precept shall be deemed an order of the court out of which the writ issued, and shall be obeyed by the said corporation, and by all officers

Duty of sheriff on receiving a writ of execution against corporation for moneys forming part of the consolidated debt.

thereof, and others whom it may concern, on pain of their personal responsibility to the said court; and the rate mentioned in the said certificate shall be forthwith levied and paid accordingly, and in addition to any rates lawfully imposed by any by-law of the city council, or by a certificate of the city treasurer, any provision in this or any other act to the contrary notwithstanding;

Duty of city officers in regard to rate.

2. It shall be the duty of the treasurer and clerk, of all assessors, collectors and other officers of the said corporation, to produce to the sheriff, on his demand, all assessment-books, papers and documents requisite for enabling him to fix the rate mentioned in this section, and to give him any information or assistance which he may require for the purposes thereof; and all such officers of the corporation shall, for all the purposes of this section, be deemed officers of the court out of which the writ issued, and amenable to and punishable by such court accordingly, in case of any failure to perform any of the duties hereby assigned to them respectively; and the proceeds of the said rate shall, by the treasurer, be paid over to the said sheriff, and by him applied to the satisfaction of the debt, interest and costs he was commanded to levy, and if there be any surplus after satisfying the same, the said surplus shall be paid back to the treasurer, and form part of the sinking fund for the extinction of the said Montreal terminable debentures, or of the said loans, or if there be no such debentures or loans for which a sinking fund is required under this act, then such surplus shall be applied to the general purposes of the said corporation.

POWER TO MAKE BY-LAWS.

By-laws.

123. 1. The council of the said city may make by-laws for the following purposes, that is to say:

General power.

2. For the good rule, peace, welfare, improvement, cleanliness, health, internal economy and local government of the said city, and for the prevention and suppression of all nuisances and all acts and proceedings in the said city, obstructive of, or opposed, or disadvantageous to the good rule, peace, welfare, improvement, cleanliness, health, internal economy or local government of the said city;

Gaming and playing at cards.

3. To restrain and prohibit all descriptions of gaming in the said city, and all playing at cards, dice or other games of chance, with or without betting, in any hotel, restaurant, tavern, or shop, either licensed or unlicensed, in the said city; to prevent and punish any riot or noise, disturbance or disorderly assemblages; to give power and authority to enter into all taverns, hotels, and houses of public entertainment, whether licensed or unlicensed; to detect and arrest on view, such persons as may be found gaming,

Riots.

playing at cards, dice, or other games of chance, or cock-fighting or dog-fighting therein, or making, causing or creating any riot, noise, disturbance, or disorder therein ;

4. To prohibit cock-fighting, and dog-fighting, and all Cock fighting. other cruel sports, in the said city, and also to prevent and punish horse racing and immoderate driving or riding in the streets or highways ;

5. For the better observance of the Lord's day in the Observance of the Lord's day. city of Montreal, and more especially to prohibit the opening and keeping open on Sunday, of theatres, circuses, or other places of amusement, where performance of athletes, circus-men, menageries, minstrels, velocipedes or other boisterous games or sport are held ;

6. To enforce the closing of barbers' shops and photo- Idem. graphers' establishments in the said city, on Sundays ;

7. To prohibit the selling, vending or retailing, by store Idem. or shopkeepers, pedlars, hawkers, petty chapmen, hotel-keepers, tavern-keepers, or persons keeping houses or places of public entertainment in the said city, and all other persons, on Sunday, of goods, wares, or merchandise, wines, spirits, or other strong liquors, or the purchasing or drinking thereof, in any hotel, tavern or house or place of public entertainment in the city, by any person or persons ; and also to enforce the closing of saloons and taverns from seven o'clock on Saturday evening until Monday morning ; and the said council may, by any such by-law, give power and authority to enter into all stores, shops, hotels, taverns or other houses or places of public entertainment of any description whatsoever in the said city, for the purpose of arresting on view any parties suspected of so selling, vending, or retailing, or offering or exposing for sale, or of purchasing or drinking, as aforesaid ;

8. To license, regulate, or prohibit musical saloons or Musical saloons. establishments where intoxicating liquors are sold, and wherein instrumental music or singing, or both, are used as a means of attracting customers, under such conditions and restrictions as the said council may deem expedient to impose in the interest of the public ;

9. To regulate, license or suppress all exhibitions of Circuses, &c. common showmen, shows of every kind, exhibitions of natural or artificial curiosities, caravans, circuses, minstrels, theatrical performances and any other like exhibitions and amusements ;

10. To punish any person who shall ill-use or cruelly Cruelty to animals. treat any animal in the said city ;

11. For establishing a board of health in the said city, Board of health. and for appointing the members thereof, and for making all such regulations as they may deem necessary for preserving the inhabitants thereof from contagious and infectious diseases, or for diminishing the danger arising from the same ;

Powers of
board of
health.

12. To confer upon the said board of health, all the privileges, power and authority in relation to the duties of the said board, and all orders to be made, and all things to be done by the said board, as are possessed by the said council, in reference to health ;

Health officers.

13. To define and regulate the duties, powers and attributions of the health officers in all matters pertaining to cleanliness in the said city and the health of its inhabitants ;

Superinten-
dents of ceme-
teries to
furnish re-
turns of
mortality.

14. To compel the superintendent of any cemetery in the city or in any of the adjoining municipalities to make and deliver to the corporation of the said city, regular returns of all persons buried in such cemetery ; and to regulate the manner and form in which such returns may be made ; to enact that in all cases of death occurring in the said city the attending physician, or (in case no physician shall have attended the deceased) a member or friend of the family of the deceased, shall within such time and under such penalty as the said council may determine, furnish to such superintendent a certificate signed by such physician, member or friend, stating the name, age, birth-place, date, place of death, and the nature of the disease by which the deceased came to death ; and also to provide such other means of obtaining correct and reliable statements or informations in reference to the mortality and its causes in the said city as the said council may deem necessary ;

Interments in
the city
prohibited.

15. To prohibit interments within the limits of the said city, to compel the taking up or removal and re-interment out of, and beyond the said city, of any body interred within the said limits contrary to such prohibition ; provided that nothing herein contained shall prevent the interment of priests or nuns in Roman Catholic churches in the said city ;

Proviso :

Nuisances—
offensive
establish-
ments.

16. To prohibit the erection, use or working, within the limits of the said city, of unhealthy, unwholesome, dangerous and obnoxious factories or establishments, and more especially soap and candle factories, and factories of a like nature, wherein the rendering of tallow is carried on ; and to prevent the working henceforth of such establishments at present existing, in the said city ; and to impose a fine of one hundred dollars for the first offence, and, in default of immediate payment of the fine and costs by the offender, an imprisonment not exceeding two calendar months, unless the fine and costs shall have been paid before the expiration of said delay, and a further fine of fifty dollars per day for each and every day the said offender shall continue to carry on such establishment in violation of such by-law ; but before compelling any person to abandon and relinquish his ownership or the practice or working of any establishments of the said nature, the said council shall be held to give a notice to be signed by the said city clerk to any person either personally or to a reasonable person of his estab-

Penalty.

Proviso :

lishment, one year before thus being compelled to abandon such use or working thereof, and in the case where, after such notice has been given, the said factories and establishments are disposed of by sale or otherwise in favor of other parties, such disposal of the property shall not have the effect to invalidate such notice, which shall remain in its full force against any subsequent purchaser or holder ;

17. To compel the occupants of any unfenced lot of land in the said city, or having stagnant or filthy water upon it, or that is in any other way offensive or dangerous to the public health, or the agent of the proprietor of such lot or any person having the charge of any such lot, in the absence from the said city of the proprietor thereof, or in case the said proprietor may not be able to be found, to properly fence in the said land within such delay, and with fences of such height, and of such material as the said council may direct, and to drain off all stagnant water from the said land, or to remove therefrom all filthy and offensive matters or things, or to fill up and properly level the same ; and if there be no person in the occupation of the said land, and no agent or other person representing the proprietor of any such land, or should such proprietor or the agent, occupant or other person in charge thereof, refuse or neglect to fence in, drain, cleanse, fill up or level the same, when so directed by the proper officer of the council ; or should the said proprietor, agent, occupant, or other person be unable for want of means, or any other cause whatsoever, so to fence in, drain, cleanse, fill up or level the said land when so directed, then, it may be competent to the said council, to have the same done at the cost and expense of the said proprietor and to acquire thereby a special mortgage on the said land for the amount so expended on the same ;

Nuisances—
lots with stag-
nant water.

18. To compel the proprietor or other person having charge of any lot of land in the said city, to enclose the same ; and to regulate the height, quantity and material of every such enclosure ;

Unfenced lots.

19. To compel the owner or occupant of any tallow chandler shop, soap factory, tannery, stable, sewer, or any other unwholesome or nauseous house or place whatsoever, to cleanse the same, from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of the said city ; to prohibit any person from bringing, depositing or leaving in the city limits, any dead body or any dead carcase, or other unwholesome or offensive substance, and to require the removal of any such substance liable to become unwholesome, by the owner or occupant of the premises on which the same may be ; and on his default, to authorize the removal or destruction thereof by some city officer, and to recover the

Tallow chand-
lers, soap
makers, &c.

Proposed

Dead bodies.

expense thereof from the party refusing or neglecting to remove or destroy the same ;

Pigs.

20. To prohibit the rearing, keeping or feeding of pigs within the limits of the said city, or in such sections of the said city as the said council shall determine ;

Certain articles may be confiscated if deficient in weight.

Bread.

21. To authorize the seizure and confiscation of grain, flour, butter, potatoes and all other vegetables, articles and effects, offered for sale in the said city, for or on account of deficiency in measure, weight or quality, or any other good and sufficient cause ; to regulate bakers in the said city, and persons in their employ ; to regulate the sale, weight and quality of bread to be sold or exposed for sale in the said city, and to provide for the examination and weighing of all bread exposed for sale, and for the seizure, forfeiture and confiscation, and also the disposal after confiscation, of all such bread so exposed for sale contrary to the said by-laws, or that may be light or unwholesome ; and for that purpose to authorize and empower proper officers or persons to enter into bakers' shops or other places, and to stop vehicles carrying bread, for the purpose of examining and weighing the same, and to do any other act that may be deemed expedient to carry out such purpose, or to enforce such by-laws ;

Milk.

22. To license and regulate the sale and quality of milk, to authorize its being seized and confiscated for violation of the by-laws, to provide for the inspection of milk and the manner in which the same may be disposed of after confiscation, to authorize to that effect competent officers or persons to enter into any place where milk is sold, and to stop the vehicles in which it is carried, for the purpose of having it inspected, and to adopt such other steps as may be deemed expedient to carry out the object in view, the whole under such conditions and restrictions as the said council may deem advisable to impose in the public interest ;

Stone and lime.

23. To regulate the sale, by weight, of stone and lime to be used in the said city for building purposes ;

Fire wood, coal, &c.

24. To regulate the sale by weight or measurement of fire wood, coal, peat or salt, or to appoint measurers and weighers of all such articles, and to establish and regulate the fees to be paid to such officers, and the duties they shall perform ;

Hay and straw.

25. To regulate the sale of hay and straw, and the sellers thereof, and to prohibit, if deemed necessary, the sale of such hay and straw in all places other than public markets, or such places as the said council may allot or appropriate for that purpose ;

Junk stores.

26. To license and regulate junk stores, wherein bits of brass, lead, or iron, pipes, cocks, cord, old furniture, or other like articles are sold ;

27. To establish and regulate public markets and private ^{Markets.} butchers' or hucksters' stalls; and to regulate, license or .
restrain the sale of fresh meats, vegetables, fish or other
articles usually sold on markets;

28. To determine and regulate the powers and duties of ^{Clerks of} the clerks of markets in the said city, and of all other offi-
cers employed by the said council on any of the public ^{markets, &c.} markets; to let the stalls and other places for selling or
exposing to sale any kind of meat or provisions; to impose,
regulate, fix and determine the duties to be paid by any
person selling or retailing on any of the said markets, any
provisions, vegetables, butchers' meat of any kind, grain,
fowls, hay, straw, or any other thing whatever; to regulate
the conduct of all persons buying or selling in or at any of
the said markets; and to provide for the weighing or mea-
suring, as the case may require, at the instance of any party
interested, by any officer to be named for that purpose by
the said council, and on the payment of such fees as the
said council may think fit to impose in that behalf, of any
thing or things sold or offered for sale in or at any such
market;

29. To regulate vehicles in which any articles shall be ^{Vehicles on} exposed for sale in any public market, or in any street or ^{markets.} public place, in the said city, and to impose a duty on such
vehicles, and establish the mode in which such duty shall
be collected and paid;

30. To regulate the duties, powers and attributions of ^{Inspectors of} the inspectors of meat, and to authorize the seizure and ^{meat.} confiscation and the disposal after confiscation of any meat,
fish or other article of food found to be unwholesome;

31. To order that all kinds of live stock and all kinds of ^{Live stock.} provision and provender whatsoever, usually bought and
sold in public markets, that may be brought to the said
city for sale, shall be taken to the public markets of the said
city and there exposed; and that neither the said live
stock nor the said provisions or provender, shall be offered
or exposed for sale or be sold or purchased elsewhere in
the said city, than on the said public markets; but the said
council may, if they deem it advantageous, by a by-law to
be passed for that purpose, empower any person to sell,
offer or expose for sale, in any place beyond the limits of
said markets or market stalls of the said city, meat, vege-
tables and provisions usually bought and sold on public
markets, upon such person obtaining a license for that pur-
pose from the said council, for which he shall pay to the
city treasurer such sum as may be fixed by such by-law
and by conforming with the rules and regulations contain-
ed in the said by-law;

32. To impose a duty on all private marts in the said ^{Private marts.} city, or that may hereafter be established therein, for the

sale of cattle, provision, or provender, or of anything else whatsoever that is usually sold in public markets, with power to regulate and fix the said duty as regards each particular mart, as the said council may see fit ;

Change of
market sites.

33. To change the site of any market or market-place within the said city, or to establish any new market or market-place, or to abolish any market or market-place now in existence, or hereafter to be in existence in the said city, or to appropriate the site thereof, or any part of such site, for any other public purpose whatever ; saving to any party who may feel aggrieved by any act of the said council respecting any such market or market-place, any remedy such party may, by law, have against the corporation of the said city for any damage such party may have sustained by reason of such act ;

Slaughter-
houses.

34. To establish, regulate and administer public slaughter-houses, either within or beyond the city limits, that is to say : within a distance of three miles from the limits of the said city ;

Public pounds.

35. To establish as many pounds, and in as many different places in the said city, as may be deemed expedient for the impounding of horses, horned cattle, sheep, goats and hogs which may be found astray ; and to fix a tariff of fines and rates to be paid at such pounds, in lieu of the fines and rates now paid at the same ;

Cattle running
at large.

36. To authorize the distraining, impounding of any cattle, horse, swine, sheep, or goat, found running at large in the streets or public places of the said city, and the sale of the same for the penalty incurred, and cost of proceedings, as well as the expense of their keeping ; to regulate and prevent the running at large of dogs in the streets or public places, and to authorize the destruction of all mad or vicious dogs ; to punish every person who shall keep, or have in his possession a vicious dog, biting or attacking the passers by, or disturbing the tranquillity of the citizens ;

Dogs.

To regulate
streets.

37. To control, regulate, repair, or alter the streets, parks, squares, bridges or drains, in the said city, and to protect the same from any encroachment or injury, and to close and discontinue any street in the said city, if deemed advisable in the interest of the public ; to change the level of sidewalks in any street of the said city when the said council shall deem it necessary ; saving however to any proprietor who may feel aggrieved by such change of level in front of his property any remedy he may have therefor against the said corporation ;

Flying of kites.

38. To prohibit and punish the flying of kites and every other game, practice or amusement in the streets or public places in the said city having a tendency to frighten horses, or to injure or annoy persons passing in or along the highways of the city, or to endanger property ; to compel

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every occupant of a house or building in the said city to remove the snow and ice from the roof and on the footpath in front of such house or building, and to punish him if he refuses or neglects so doing ; to prevent the encumbering of any street, sidewalk or public square with any vehicle, lumber, firewood, building material or other article or material whatsoever ; to license, regulate or prohibit the sale or pedlary of fruits, nuts, cakes, refreshments, bread, jewellery, and merchandise of all kinds, in and upon, or along the wharves, streets, sidewalks, alleys, and public squares of the city ;

Removing of snow.

Encumbering streets.

Peddling of fruit, &c.

39. To determine the direction of all natural water courses passing through private property in the said city, and to regulate all matters concerning the same, whether the said water courses be covered or not ;

Water courses.

40. To regulate the planting, rearing and preserving of ornamental trees in the streets, squares, parks, and high-ways of the said city ; and to compel any proprietor in the said city, to plant trees in front of his property, under the direction of the city surveyor, and to authorize the city surveyor to cause such plantation to be made, and to exact the cost thereof from such proprietor in case the latter shall refuse or neglect to comply with such order of the city surveyor ;

Planting of trees.

41. To regulate the width of streets in the said city, and to establish or alter the level of the road-way of any street or highway in the said city, when deemed advisable in the interest of the city ;

Width and level of streets.

42. To regulate the sewerage of the city, and to assess proprietors of real estate to such amount as may be necessary to defray the expenses of making any common sewer in any street of the city, in which such proprietors own property, and for regulating the mode in which such assessment shall be made, collected and paid ;

Drainage.

43. To require the removal of any door-step, porch, railing or other projection into, or obstruction in any street in the said city, by and at the expense of the proprietor of the real property, in, or on which such projection or obstruction shall be found ;

Door steps.

44. To pull down, demolish and remove, when necessary, any old, dilapidated or ruinous wall, chimney or building that may endanger the public safety ; and to determine the time and manner in which the same shall be pulled down, demolished or removed, and at whose expense the same shall be done ;

Old walls.

45. To sanction and permit, under such conditions, charges and restrictions as the said council may impose, the track of any street railway or other railway, to be laid in, or along any street or public ground ; to regulate the use of locomotive engines, and of the steam, or any other motive power on

Railway tracks.

any and every portion of railway in the city, and to prescribe, and regulate the speed of cars upon every part of such railway; and to impose a penalty not to exceed four hundred dollars, upon the company managing any such railway, or any of their servants, for each and every violation of any such by-law;

Fire depart-
ment.

46. To regulate the fire department and to appoint all officers and men necessary for the prevention of accidents by fire, the suppression of, and the protection of property at fires; to control all persons present at fires, and to prevent thefts, depredations, and loss of property at the same; and to punish any person who shall ill-use, or in any way interfere with any member of the fire brigade in the execution of his duty;

Demolition of
buildings at
fires.

47. To cause to be demolished and removed all buildings and fences which shall be deemed necessary to be demolished or taken down in order to arrest the progress of any fire;

Buildings—
mode of con-
struction.

48. To regulate the mode to be followed, and the material to be used in the erection or repair of any house or building in the said city, in order that the same may be made in a manner adapted for the security thereof against fire as well as for the safety of the occupants, with power to impose the penalty hereinafter provided, on the proprietor, builder or person in possession of such house or building thus erected or repaired in contravention of such by-laws;

Inspector of
buildings.

49. To prescribe and define the duties and powers of the inspector of buildings, in reference to such houses or buildings;

Chimneys.

50. To regulate the construction, dimensions, height and elevation of chimneys, and, where any house or building is elevated above any other house or building to which it may adjoin, to determine, by whom, at whose cost, in what manner, to what height, and within what delay the chimneys of the less elevated house or building shall be raised so as not to endanger the adjoining or neighbouring property and to prevent all hazard of accident or loss by fire, and also to regulate the height of the chimneys of factories so as to render such factories as little injurious as possible to the health and comfort of the citizens; to require and enforce the erection of separation walls of stone or brick wherever deemed necessary between lots of lands belonging to different proprietors in the said city, and of such height and thickness as the said council may deem expedient;

Separation
walls.

Inspector of
buildings may
visit premises.

51. To authorize the inspector of buildings, and such other officers as may be appointed by the said council for that purpose, to visit and examine as well the interior as the exterior of any house or building, in the said city, for the purpose of ascertaining whether the same is in all respects according to law, and to compel the proprietor or

occupant of such house or building to admit such officers into the same;

52. To authorize the inspector of buildings to demolish any house or building that may endanger the lives of the citizens in the said city, to cause such house or building to be temporarily vacated if deemed necessary by the said inspector, and to do and perform such work or repair that the said inspector may deem necessary to ensure the safety of such house or building, and to recover the cost of such work or repair from the proprietor;

Unsafe buildings may be demolished.

53. To cause all chimneys in the said city to be swept by licensed sweeps in such manner, at such times, and so often as shall be determined by the said council, and to establish a tariff of the rates to be paid to such licensed sweeps for the sweeping of chimneys;

Chimney sweeping.

54. To compel all proprietors, tenants or persons owning or using engines, steam boilers, factories, chemical works, or other workshops or establishments, within the limits of the said city, to provide the said establishments with the necessary apparatus to consume the smoke and gas escaping therefrom, so as to effectually remove and abate any nuisance arising from the working of such establishments; and to impose by such by-law a fine of one hundred dollars for the first offence, and in default of immediate payment of the said fine and costs by the offender, an imprisonment not exceeding two calendar months, unless the fine and costs shall have been paid before the expiration of said delay, and a further fine of fifty dollars per day for each and every day the said offender shall continue to carry on such establishment, in violation of such by-law;

Factories to consume their own smoke.

Penalty.

55. To prohibit, if deemed necessary, the erection, use or employment in the said city of any steam engine, steam boiler, soap and candle or oil factory, slaughter-house, dyeing establishment or other factory or establishment wherein any works or processes are carried on, having a tendency to endanger property, or to affect or endanger the public health or safety; and the said council shall have power to permit such erection, use or employment, subject to such restrictions, limitations and conditions as the said council may deem necessary, and also to provide for the inspection and supervision of such steam-engines and steam-boilers;

Steam engines, soap factories, &c.

56. To regulate or prevent, within the limits of the city, the storage of petroleum, coal-oil, or other explosive or inflammable substances of a like nature;

Coal oil.

57. To prohibit the sale and use of fire-crackers, and other explosive missiles made of powder;

Fire-crackers.

58. To compel all persons who intend to erect, use or employ or who occupied or used before the passing of this act, or who now occupy or use, within the limits of the

Lumber yards, saw mills, &c.

said city, any yard or vacant lot, for the storage of lumber, timber, firewood, laths or shingles, or to erect and use, or who occupied or used before the passing of this act, or who occupy or use, any saw and planing mill, carpenter or joiner's shop, or other building or establishment wherein wood or other like combustible materials are kept and used, to obtain the previous sanction of the council of the said city, with power to the said council to grant or refuse such permission, as may be deemed advisable: and the said council shall have full power and authority to fix and determine the place within the limits of the city where such wood-yards, mills, work-shops or other buildings, or establishments, wherein wood or other like combustible materials are kept, may be located and used, and to make such rules and regulations in reference thereto, as the said council may deem necessary or expedient: and the penalty for any violation of the said by-law shall be the same as that imposed by sub-section fifty-four of the present section; provided always, that nothing in the present section shall have the effect to deprive any interested party of any right or interest which he may have at common law, and that such by-law shall require to be passed by a majority of the members composing the said council;

Penalty,

Police force.

59. For the governing, regulating, arming, clothing, lodging and paying of the men and officers of the constabulary force of the said city, and for regulating the residence, classification, rank, service, inspection and distribution of the said force, so as to ensure the utmost efficiency, and prevent any neglect of duty or abuse of power on the part of the members composing such force;

Carters.

60. To authorize and regulate the granting of licenses to carters, owners or drivers of public vehicles for hire, or to owners of vehicles used in the said city for the delivery of meat, bread, goods, effects or merchandise of any kind whatsoever; for the good government and discipline of the owners and drivers of such public vehicles for hire; to fix a tariff of rates and charges for the same; and to make all such owners responsible for the misconduct or negligence of their servants or drivers, having charge of their horses or vehicles, and liable to the same penalty as may be imposed by any such by-law upon such servants or drivers, the actual offenders;

If resident
outside the
city.

61. To compel any butcher, baker, huckster, pedlar, carter, trader or manufacturer, residing without the city limits, but carrying on his trade or business within the limits of the said city, to take out a license and number for any vehicle used for the purposes of such trade or business; which said license and number the said council are empowered to issue, and charge such rate therefor as may be fixed upon by the said council; provided that nothing

contained in this sub-section shall have the effect to deprive carters residing in any adjoining municipality from any right or privilege conferred upon them by law before the passing of this act ;

62. For restraining, ruling and governing apprentices, Apprentices. domestics, hired servants or journeymen, and to regulate the conduct of masters or mistresses towards their apprentices, domestics, hired servants or journeymen in the said city ;

63. For the government of persons plying as ferrymen, Ferrymen. to the said city, and to establish a tariff of fees to be taken by such ferrymen ;

64. To regulate the management of the water works, Water works. aqueduct, reservoirs, and other works connected therewith, and for the maintenance of order and cleanliness on the said works ;

65. For lighting the said city, or any part thereof by gas Lighting. or otherwise ;

66. To define and prescribe the duties and attributions of City officers. the city auditor, the city surveyor, the inspector of buildings, clerks of markets, and other officers of the said council ;

124. The said council, by any by-law which it may Penalty. make by virtue of the provisions of the preceding, or any other section of this act, may, for the punishment of each and every infraction of any such by-law, impose either a fine with costs, or imprisonment, or a fine, and in default of immediate payment of said fine and costs, an imprisonment ; and the said council may leave it to the discretion of the recorder's court to determine the amount of such fine and the term of imprisonment ; but such fine shall not exceed forty dollars, and the imprisonment shall not be for a longer period than two calendar months, except in cases where it is otherwise provided in this act.

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125. The said council may, by any such by-law, authorize any of its officers, or any officer or constable of the police force to enter any house, building, yard or other premises in the said city, to ascertain if any infringement of the laws or by-laws now in force, or which may hereafter be passed by the said council, is being therein committed, and the said council may by such by-law impose a penalty, as herein before provided, on all persons who shall refuse to allow such officer or constable to enter any such house, building, yard or premises as aforesaid, or shall in any way resist or interfere with the said officer or constable in the execution of his duty.

Officers empowered to enter buildings.

126. A copy of every by-law to be made by virtue of this act, shall be transmitted with all convenient speed. By-laws to be submitted to lieut.-gov.

and may be
disallowed.

after the making thereof, to the lieutenant-governor of this province, and it shall be lawful for the said lieutenant-governor, by and with the advice of the executive council of this province, within three months from and after the receipt of such copy, to disallow any such by-law; and such disallowance shall, without delay, be signified to the mayor of the said city, and thenceforward such by-law shall be void, and of no effect; provided also, that all by-laws repugnant to any law of the land, or to any act of the legislature of this province, shall be null and void.

By-laws to be
public laws.

127. The by-laws of the said council shall be held and taken to be public laws within the limits of the said city; and as such shall be judicially taken notice of by all judges and other persons whomsoever without being specially pleaded.

THE RECORDER'S COURT.

Court estab-
lished.

By whom held.

128. 1. There shall be a court of record in the said city, to be called the "Recorder's Court of the city of Montreal;" 2. The said court shall be held by the recorder, to be appointed as hereinafter provided.

Its jurisdic-
tion.

City taxes.

129. 1. The said court shall have exclusive jurisdiction over, and shall hear and determine summarily:

2. Any action brought by the corporation of the said city for the recovery of any sum of money due to the said corporation for any tax, assessment, impost or duty whatsoever legally imposed by any by-law or resolution now in force in the said city, or that may hereafter be passed by the council of the said city;

Market dues.

3. Any action for the recovery of any sum of money due to the said corporation for the rent, use, or occupation of any butcher's or huckster's stall, or other stall or stand whatsoever in or upon any of the public markets or elsewhere in the said city, in virtue of any by-law now in force, or to be hereafter passed by the council of the said city; or for any tax, duty or impost now, or to be hereafter imposed and levied in and upon the public markets or private butcher's stalls in the said city;

Water rates.

4. Any action for the recovery of any water rate or any sum of money whatsoever that may be due and payable to the said corporation for any supply of water given or furnished from the Montreal water works, to any house or building, or given or furnished to or for the use of any person in the said city; or for the introduction of any pipe or pipes from the said works into any house or building in the said city, or the enlarging, extending, repairing, altering, removing or changing of any such pipe or pipes, in such house or building, or at the instance or for the use or benefit of any person in the said city;

5. Any action for the recovery of wages or pay servants, journeymen or labourers employed by the day, the amount of which shall not exceed twenty-five dollars. Servants' wages.

180. 1. The said recorder's court shall also have summary jurisdiction in cases of lease, use, and occupation of stalls, markets, cattle stands or other immovable property of the said corporation for the recovery of the rent or of the sum due to the said corporation for the use and occupation thereof; Leases of stalls.

2. And the said court and the said recorder shall have and exercise for this purpose, all the powers and jurisdiction granted in this respect by law to the superior or circuit courts, or to the judges thereof; Jurisdiction.

3. The said recorder's court shall also have concurrent jurisdiction with the circuit court, or with any judge of the superior court in the district of Montreal, as to matters between lessors and lessees, and may act in virtue of the act of the consolidated statutes for Lower Canada, chapter forty, intituled: *An act concerning lessors and lessees*, and of the legislative provisions amending the same, in the same manner and with the same formalities as the said circuit court, or any of the judges of the said superior court, is directed to proceed in and by the above last cited act, as regards the ejection of the lessee for committing waste upon the premises or part of the premises leased, or for refusing or neglecting to pay his rent or any part of his rent, or for using the premises leased, contrary to the intent for which they were leased, or because the term of his lease, either written, verbal, or presumed, is expired; and the said recorder's court shall have and possess, to that end, all the necessary powers and authority including that of issuing writs of summons, execution and possession, and to fix and determine the costs to be paid by the losing party, which costs however shall not include any attorney's fees; provided always, that the competence of the said recorder's court shall be limited to cases where the consideration or annual value of the property occupied shall not exceed the sum of one hundred dollars, and which shall apply to premises or real estate situate within the limits of the said city; and the law stamps which would require to be affixed to proceedings of the nature of those mentioned in this sub-section in the circuit court, shall be affixed to such proceedings before the recorder's court. Lessors and lessees. Proviso. Law stamps.

181. 1. The said court may take cognizance of and determine in a summary manner, all offences against the provisions of the act chapter one hundred and two of the consolidated statutes for Lower Canada, in so far as the provisions of the said act are applicable to the said city; and also; Offences against chap. 102, C. S. L. C.

Fines.

2. Any suit for the recovery of fines or penalties imposed in virtue of any act or by-law now in force in the said city, concerning the markets in the said city, or any suit for the recovery of any fine or penalty imposed by this act or by any by-law of the said council, now, or to be hereafter in force, and incurred for any infraction of the provisions of such act or by-law.

Certain articles of the code of procedure applicable.

132. 1. The articles 2, 3, 4, 5, 7, 8, 10, 11, 18, 24, 54, 55, 57, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 74, 76, 77, 9, 80, and the articles from 615 to 631, inclusively, of the code of civil procedure of Lower Canada, as amended by subsequent acts, shall apply, *mutatis mutandis* as the case may be, to the recorder of the said city and to the said recorder's court ;

Delay of summons.

2. The delay of summons in the case of seizure by garnishment after judgment (*saisie arrêt après jugement*) shall be the same as that in ordinary civil actions issued by the recorder's court.

Sittings of the court.

133. The said court shall, for the purposes aforesaid, be held from time to time, as occasion may require, in the city hall, or in such other place in the said city as shall be set apart for the purpose, by the council of the said city.

The recorder.

134. 1. The recorder shall be a barrister of the province of Quebec, of at least five years standing, and shall be appointed by the crown during pleasure ; he shall be *ex officio* a justice of the peace in and for the district of Montreal ;

His salary.

2. His salary shall not be less than two thousand dollars per annum, and shall be payable monthly out of the funds of the said city ;

May appoint a deputy.

3 The said recorder may, from time to time, by an instrument in writing under his hand and seal, to be deposited and registered in the office of the clerk of the said recorder's court, appoint some fit and proper person, being an advocate of the said province, of not less than five years standing, to be and act as his deputy in the event of his illness or necessary absence from the city, and any such nomination and appointment may, from time to time, be revoked, and again made by such recorder, as circumstances may seem to require ;

His powers.

4. Every person so appointed shall, for and during the period of time limited in the instrument containing his appointment, or if no period of time be therein limited, then from the date of the registration thereof as aforesaid, until the revocation thereof, have, hold, use, occupy, possess and enjoy, and be vested with all and every the jurisdiction, rights, powers, privileges and authority, and be bound to discharge all the duties of the recorder for the said city, to

the exclusion, for the time being, of the person so nominating and appointing him as aforesaid; provided, nevertheless, that the said recorder's court shall not at any time be deemed to have been illegally held, nor shall the acts of any deputy-recorder of the said city be deemed invalid, by reason of the absence of the recorder not being deemed to be necessary within the meaning of this act;

5. In case of the death of the recorder, the said deputy shall act as such until the lieutenant-governor shall have appointed a recorder in accordance with the law. In case of death of recorder.

135. 1. The clerk of the said recorder's court shall be appointed by the council of the said city, during pleasure; The clerk of the rec. court.

2. The person so appointed shall be a barrister of the province of Quebec;

3. The said clerk may, from time to time, by an instrument under his hand and seal, to be acknowledged by him before the recorder, and duly deposited and filed in the office of the said recorder's court, and entered in the register thereof, appoint one fit and proper person, to be and act as his deputy in the discharge of all and every his duties as clerk of the said recorder's court, and remove any person so appointed, and appoint another in his stead; May appoint a deputy.

4. So long as he holds office, the said deputy shall fulfil all the duties, and shall be invested with all the powers imposed or conferred by this act, on the clerk of the said court. Duties and powers of deputy.

136. 1. The clerk of the said court shall prepare and make out all the summonses, orders, writs and warrants whatsoever, which shall be issued by the said court; Duties of clerk.

2. He shall conduct, in behalf and in the name of the plaintiffs or prosecutors, when such plaintiffs or prosecutors are the corporation of the said city of Montreal, all cases and suits cognizable by and within the jurisdiction of the said court, except in cases where the said corporation shall deem it expedient to appoint an attorney, or to associate him with counsel; Idem.

3. The said clerk and his deputy, shall respectively take, an oath of office before the said recorder's court; and the said oath shall be inscribed on the back or other part of the document appointing such clerk or deputy clerk; Oath of office of clerk and deputy.

4. He shall enter daily, and in a succinct manner, in a register, which shall be kept for that purpose, the proceedings had in each cause or complaint brought in the said court; Register of proceedings.

5. It shall not be necessary for the clerk of the said court to enregister at full length the proceedings, judgments and convictions of the said court, but a roll only of the said judgments and one of convictions shall be duly kept by the What record of proceedings shall suffice.

said clerk, wherein shall be set forth in the first case, the name of the defendant, the nature of the debt, and the date of judgment; and in the second the nature of the offence, the penalty, and the date of conviction, and the notes of proceedings noted in the original summons or plaint shall be sufficient evidence thereof; provided, that in cases when the defendant requests, prior to the hearing of the case, to have the proceedings entered as heretofore, the above provisions shall not apply;

Proviso:

In case of death of clerk.

6. In the event of the death of the said clerk, the deputy clerk shall continue to act as such, until another clerk shall have been appointed by the council.

Form of writs.

137. Every summons, order, writ or warrant of any nature whatsoever, issued, out of, or by the said court, shall run and be in the name and style of Her Majesty, her heirs or successors; they shall be signed by the clerk of the said court.

Written complaint not requisite in certain cases.

138. 1. In all cases tried for drunkenness, or where a person shall be arrested on view by a police constable of the said city for an offence against the provisions of the act chapter one hundred and two of the consolidated statutes for Lower Canada, or of any act amending the same, or of this act, or of any by-law now in force or which shall be in force in the said city, it shall not be necessary that the complaint be reduced to writing; but a verbal complaint, under oath, made before the said recorder's court by the constable who shall have arrested such person, shall be deemed a sufficient complaint;

To be written if required.

2. If such person demand that the complaint be reduced to writing, the said court shall direct the clerk of the said court to reduce the said complaint to writing.

Summoning offenders.

139. The said court may, by writ as aforesaid, summon any person accused of any offence against the provisions of any act or by-law, rule or order, as aforesaid, or from whom any sum of money is claimed for any of the causes aforesaid, and such writ of summons shall set out the grounds of the action or complaint, in a succinct and explicit manner, and shall be served upon the defendant by a bailiff or constable as hereinafter provided, by leaving a certified copy of such writ, either with the defendant personally, or at his domicile, speaking to some grown member of the family of the said defendant; but no service shall be valid after five of the clock in the afternoon.

Service of summons.

Delay.

140 In any civil action there shall be an interval of at least two clear days between the service of the writ of summons and the day of its return into court.

141. 1. If any person summoned to appear before the said court, either for any debt or claim, or for the commission of any offence, as aforesaid, does not appear either in person or by his attorney, then, upon proof of the service of the summons, proceedings by default shall be taken against such person, and upon proof by the plaintiff of the allegations of the action or complaint, the court shall render the proper judgment in the matter, with costs; Default to appear.

2. If the defendant appears, the court shall cause the plea put in by him to the action or complaint to be entered; it shall hear the witnesses produced by the parties, and shall decide in conformity to law and justice; If defendant appears.

3. If the defendant confesses judgment, either in person or by attorney, the court, if the confession of judgment be accepted by the plaintiff, shall cause judgment to be entered in conformity with such confession; in case of prosecution or complaint for any offence against the provisions of any act or by-law as aforesaid, if the defendant pleads guilty, the court shall declare the defendant convicted; Confession of judgment.

4. The said court may grant a delay of not more than two months to any defendant who confesses judgment after the return of the action brought against him. Delay on confession.

142. The said court shall have power to compel witnesses to appear in any action, prosecution, or complaint pending before the said court, and answer all legal questions put to them in the same manner as is done in the ordinary courts of civil jurisdiction in this province. Summoning of witnesses.

143. 1. The said court may permit and require *interrogatoires sur faits et articles*, or the *serment décisoire* or *judiciaire* to be put to any party to a cause, in all cases in which such interrogatories or oaths are allowed by law in the ordinary courts of civil jurisdiction in the province of Quebec; Faits et articles.

2. The court shall also have power to compel the execution of any writ, order, warrant, or summons issued as aforesaid, by the said court, and to that end it shall be invested with all the powers and authority enjoyed in that respect by the ordinary courts of civil jurisdiction in the said province of Quebec. Execution powers.

144. In any civil action, the said court shall, as regards the admissibility of oral testimony, and the competency and the number of witnesses, follow the rules prescribed in that respect by the law, in relation to civil matters, subject however to the following provisions. Evidence.

145. 1. In any civil action or proceeding, or in any prosecution or complaint for any offence committed against Who may be witness.

any by-law of the said city, or against the provisions of any of the acts hereinbefore cited, any member of the council of the said city, or any employee, officer or servant of the said corporation, shall be a competent witness; provided he has no direct interest in the result of such action, prosecution or complaint, or is not incompetent from any other cause;

Oath of one witness sufficient.

2. Any assessment, tax, duty or sum of money due to the said corporation, as aforesaid, or any penalty or fine which may be claimed or sued for in the said court, shall be recoverable on the oath of one competent witness, and any person accused in the said court of any offence within the cognizance of the said court, may also be condemned on the oath of one credible witness.

Notes of evidence.

146. The deposition of the parties or of the witnesses, both in civil cases and in cases of complaint or prosecution for offences as aforesaid, shall not be reduced to writing.

Maintenance of order.

147. The said court shall cause order to be maintained during its sittings, and may punish by fine or imprisonment, any person guilty of contempt of the said court, during the sittings and the presence of the said court.

Bailiffs.

148. 1. The council of the said city shall appoint, from time to time, by resolution, a sufficient number of persons competent to fulfil the duties of bailiffs of the said recorder's court, and the said council may dismiss such persons at any time, and appoint others in their stead;

Commissioner.

2. Upon such appointments being made, the mayor of the said city shall issue commissions appointing such persons bailiffs of the said court, under the seal of the city, and signed by himself and by the clerk of the said city;

Oath.

3. Every such bailiff shall take an oath of office in the said recorder's court;

Returns.

4. Every such bailiff, the bearer of a writ of summons, or writ of execution, or of any other writ issued out of the said court, shall make a return, under his oath of office, of all proceedings taken by him in relation to such writ, and such return shall suffice for all purposes whatsoever.

Proof of service.

149. The service of any summons in case of prosecutions for offences as above mentioned, shall be proved in open court by the bailiff, constable, or peace officer, who shall have made such service, and the services of summonses to witnesses, or of any other order of the said court requiring to be served, shall be proved in the same manner.

Execution of judgments.

150. 1. The execution of any judgment rendered in any civil action, as above mentioned, shall be levied by the

seizure and sale of the goods, movables, and effects of the defendant;

2. No writ of execution shall be issued until the expiration of eight days after the day on which judgment shall have been rendered; Delay.

3. The bailiff, the bearer of the writ of execution, shall proceed to the seizure and sale, in the manner prescribed and practiced in cases of seizure and sale under execution issued by any ordinary court of civil jurisdiction in the province of Quebec; subject, however, to the provisions contained in sections eighty-eight, eighty-nine and ninety of this act. Seizure.

151. 1. If the property of the defendant is already under seizure in virtue of any writ of execution issued by any other court, in such case, the bailiff, the bearer of the writ of execution issued by the said recorder's court, shall not make any seizure, and, upon production to him of the *procès-verbal* of the said seizure, he shall hand over the writ issued by the said recorder's court to the sheriff of the district, or to the bailiff who shall have made the seizure, (as the case may be); If there be a previous seizure.

2. The delivery of the said writ of execution shall have the effect of an opposition *afin de conserver*, and shall be sufficient to secure to the said corporation, by privilege, (in cases in which such privilege exists), the payment of the sum due, including principal, interest and costs. Effect of delivery.

152. 1. In case the defendant does not possess any goods or chattels within the district of Montreal, or in case they are not sufficient to satisfy the amount of the judgment obtained, or in case, after the sale of the said goods and chattels of the defendant, a balance on such judgment still remains due to the said corporation, in all such cases, if the sum due exceeds fifty dollars, and the defendant possesses any immovable property, lands or tenements within any district in the province of Quebec, then the said recorder's court may issue a writ *de terris*, signed as aforesaid, and addressed to the sheriff of the district in which such immovable property is situated; In case the defendant has no movables. Writ de terris.

2. The said writ shall be returnable into the superior court for the district of Montreal, sitting in the said city of Montreal; Where returnable.

3. Upon the receipt of such writ, the sheriff to whom it is directed shall act and proceed in all respects as regards the said writ, as if it had been issued by the superior court, and he shall make a return thereon, of his proceedings in respect of its execution, to the said superior court, at Montreal, as hereinbefore provided; Duty of sheriff.

Ulterior proceedings.

4. And all ulterior proceedings of what kind soever, consequent upon the issuing of such writ, or necessary to the execution thereof, as well as with regard to the plaintiff and defendant, as with regard to other parties who, in due course of law, may intervene, by opposition or otherwise, shall be had in the said superior court, in the same manner as if the said action had been originally brought and determined in the said superior court.

Saisie arrêt
after judgment.

153. The said recorder's court may issue writs of *saisie arrêt* after judgment, in the same manner as the ordinary courts of civil jurisdiction, and shall follow in relation thereto the rules and procedure prescribed in such courts as regards the issuing of the writ, the return and judgment in matters of *saisie arrêt*.

Recovery of
fines.

154. The recovery of all fines adjudged in the said recorder's court, shall be proceeded with in pursuance of the by-law imposing such fine, by writ of *saisie exécution* against the goods and chattels of the defendant, or by the imprisonment of the defendant, as the case may be, and such writ and warrant shall be issued in the manner above stated.

Act or by-law
need not be
cited.

155. In any suit, action or prosecution brought by the said corporation, in the said recorder's court, it shall not be necessary to specify or recite the act or by-law under which such suit, action or prosecution shall be brought: but it shall be sufficient to state that it is in virtue of the act or by-law in that behalf made.

Tariff of fees.

156. The said council may make and settle a tariff of the fees, which may be exacted by the clerk and bailiffs, and change the said tariff, from time to time; but neither the said tariff, nor any of the changes made therein, shall have force and effect until the same shall be approved by the lieutenant-governor in council.

Sittings of the
court.

157. 1. The said recorder's court may be held and may sit daily, and may sit as many times as it may be necessary each day, without previous notice, and may fix any time for the summary hearing and determination of offences committed by any person against the provisions of chapter one hundred and two of the consolidated statutes for Lower Canada, hereinbefore mentioned, or the provisions of any act or by-law now in force, or that may hereafter be in force in the said city; and for summarily hearing and determining the case of any vagrant, loose, idle, or disorderly person, and other offenders arrested by or in charge of the police of the said city, or the cases of persons arrested, on view or immediately after the commission of any offence,

as aforesaid, or by warrant issued out of the said court, or by the said recorder, or by any justice of the peace for the said district of Montreal;

2. The police of the said city, or any other peace officer or constable, may bring before the said court or before the said recorder, any person offending, as aforesaid, against any of the provisions of the acts or by-laws aforesaid, and any vagrant, loose, idle, or disorderly person, and any person arrested, as aforesaid, to be then and there dealt with according to law, as the said recorder's court, or the said recorder may adjudge and determine.

Powers of
police.

158. The said recorder's court shall have the power of proportioning the punishment to the gravity or frequency of the offence, within the limitations mentioned in this act, and in the acts for the government of the said city.

Punishment of
offences.

159. The said council in all cases of offences for the commission whereof fine or imprisonment is imposed by any by-law of the said council, may proceed against the delinquent, either by summons or by warrant issued, upon affidavit taken before the recorder, as may be thought more advisable for the attainment of justice.

Prosecution for
certain
offences under
by-laws.

160. 1. All fines imposed by this act, or by the provisions of any by-law of the city council, which now is or may hereafter be in force in the said city, shall be recovered before the said recorder's court, with costs, by immediate payment of the said fine and costs; and in default of immediate payment of the said fine and costs, the party against whom the said judgment shall have been rendered, shall be imprisoned in the common gaol of the district of Montreal, for a period not exceeding two months, unless such fine and costs be paid before the expiration of such term of imprisonment;

Fines and
penalties—how
recovered.

9-3124-

2. In all cases in which a fine has been incurred by a corporation, association, or society recognized by law, such fine and costs shall be levied by the seizure and sale of the goods and effects of the said corporation, association, or society, in virtue of a writ of execution issued from the said court; and proceedings shall be had upon the said writ in the manner prescribed for seizure and execution in civil matters;

If the offender
be a corpora-
tion.

3. Any joint owner or occupier of any lot, house, building or other real property in the said city, complained of for violation of any by-law of the said council, now or hereafter to be in force, bearing upon such joint owner or occupier, or upon the said lot, house, building or other real property in any manner whatsoever, by reason of any nuisance committed thereon, or any other offence of what

Liability of
joint-owners in
certain cases.

nature soever against the provisions of any by-law of the said council, may be sued alone or conjointly with his co-owners or co-occupiers in the said recorder's court, as may be deemed advisable, as also any agent of the said joint owner, or occupier; and in the suit to be instituted, it shall be sufficient to mention the name of such joint owner, or occupier, or of such agent, with the addition of the words "and others," and the oral testimony of such ownership and occupancy, whether sole or joint, or of such agency, shall be deemed sufficient; any law, usage, or custom, to the contrary notwithstanding;

Who may
bring the suit.

4. And the said corporation, or any municipal elector may institute any proceedings for that purpose in the name of the *City of Montreal*, as provided in the next section.

Suits to be
in the name
of the city.

161. Any action instituted by the said corporation in virtue of this act, or any act or by-law relating to the said city, for the recovery of any tax, duty or assessment or of any fine, shall be brought in the recorder's court, in the name of the *City of Montreal*.

Application of
fines.

162. All fines sued for and recovered in the said recorder's court, under and by virtue of this act, or any other act or statute now in force or to be hereafter passed in relation to the said city, shall belong to and form part of the general fund of the said city, unless otherwise provided in such statute.

Council only
can remit
fines.

163. 1. To the council alone shall appertain the right of remitting the whole or part of any fine belonging to the said city, as well as of the costs of the suit occasioned by the prosecution for the said fine;

In what man-
ner.

2. This remission shall be made, in each case, by a simple resolution adopted by the majority of the council, on a petition presented to the said council to that effect, by the person asking such remission, and not otherwise;

Penalty.

3. Any member or officer of the said council who shall infringe the provisions of any of the two next preceding sub-sections, shall incur a fine not exceeding twenty dollars for each offence;

Any other
remission, null

4. Any remission of any fine or costs, in violation of the provisions of this section, shall be considered as null and of no effect.

Imprisonment.

164. Whenever in the present or any other act relative to the said city, or in any by-law, rule or order as aforesaid, imprisonment is imposed, such imprisonment shall be presumed and held to be in the common gaol of the district of Montreal.

165. The recorder's court may use its discretion in Costs. awarding or withholding costs, or ordering each party to pay his own costs.

166. 1. In any action, proceeding or complaint by the Certain said corporation, it shall not be necessary to allege or to allegations prove that the formalities required for the passing of a by- dispensed law have been observed, nor that such by-law has been transmitted to the lieutenant-governor, but the fact that such formalities have been observed shall be presumed, until proof to the contrary be shown ;

2. In all cases where in any action or summons in civil Amendment of or penal matters, there shall be variance between the alle- errors in sum- gation and the proof relating to the christian or surname mons. the addition, description, or residence of any party mentioned in such action or summons, or to any other fact alleged in such action or summons, the said court may at any time, before, during, or after the *Enquête*, or before judgment, upon the request to that effect made by an interested party, direct the amending of such action or summons, if necessary, and allow the adverse party a sufficient delay to prepare a defence to the action or summons so amended, if the party require it for the ends of justice.

STREETS, HIGHWAYS, AND PUBLIC PLACES.

167. It shall be lawful for the said corporation, at any Corporation time, to cause public streets, highways, places and squares, to employ sur- within the whole extent of the limits of the said city, to be veyors to lay laid out, fixed and determined at the city's expense, under out streets. the direction and supervision of the road committee and the city surveyor, and to give a name to each of the said public streets, highways, places and squares ; and for that purpose the said corporation may employ a sufficient number of surveyors or other competent persons who shall, with all due diligence, proceed to lay out, fix and determine under the direction and supervision aforesaid, and under as uniform a system as circumstances may admit, such public streets, highways, places and squares, of such dimension, width and extent, as may appear to them most desirable for the public interest ; provided any such highway or street shall not be less than forty feet in width.

168. The said surveyors or other persons employed in Surveyors the exercise of the duties assigned to them, in and by the may enter preceding section, may, and they are hereby authorized to upon property enter in day time upon any property or real estate within and make out the limits of the said city ; they shall, under the direction plans, &c. and supervision aforesaid, make out plans or maps indicating the streets, highways, public places, and squares now

existing, as well as those which they shall lay out and determine, by and in virtue of this act; and they shall designate upon the said plans or maps, the new lines of the streets, or sections of streets, public highways, places and squares, that the said corporation may have resolved to widen, in the interest of the public.

Plan may be made by sections to form but one plan. *ditto*

169. It shall be lawful for the said corporation to cause the said streets, public highways, places and squares, to be laid out, and the plan or map thereof to be made for each ward separately, according to the present division of the city, beginning by such ward as may be deemed advisable; but the plans or maps of the different wards of the said city shall be so made as to correspond with each other in such a manner as that, when completed, they shall make but one and the same plan, to be known as "the general plan of the city of Montreal."

Plan for each section when completed, to be confirmed by sup. court.

170. When the plan or map for any one of the wards of the said city shall be completed, the said corporation, by their attorney and counsel, shall apply, by summary petition to the superior court, in and for the district of Montreal, to obtain the confirmation and ratification of the said plan or map, after having given public notice of the day and hour at which such petition shall be so presented, in four newspapers, two of which, published in the French language and two in the English language, in the said city; provided that the said notice shall have at least two insertions in each of the said four newspapers, and that one month at least shall elapse between the date of the last insertion of the said notice, and that of the presentation of the said petition; the same formalities shall be observed for the plan or map of each of the other wards of the said city, as such plan is completed.

Plan, when confirmed, to be final.

171. Every such plan or map of a ward, when confirmed by the said superior court, shall be final, decisive, and binding upon the said corporation, and the proprietors therein interested, and upon all other persons whomsoever; and no indemnity or damage shall be claimed or granted at the time of the opening of any of the new streets, public places or squares, shewn on the said plan, or at the time of the widening of any of the streets, public places, or squares indicated on the said plan, for any building or improvement whatsoever that the proprietors or other persons whomsoever may have made, or caused to be made, after the confirmation of the said plan, upon any land or property, reserved either for new streets, public places, or squares, or for the widening of any of the said streets, public places, or squares of the said city; provided that nothing contained in this act

shall be construed as depriving the said corporation of the right of widening or extending any of the streets, public places, or squares designated in the said plan, after its confirmation, if deemed advisable so to do.

172. A duplicate of each of the said plans shall be deposited immediately after its completion in the office of the prothonotary of the said court, and another in the archives of the said corporation; and when such plan shall have been confirmed and ratified by the superior court as aforesaid, the city clerk shall make an entry upon the duplicate of the said plan, deposited in the archives of the said corporation, in the following words: "confirmed by the superior court on the day of one thousand

Plan to be
in duplicate.

173. The said corporation of the city of Montreal shall have all the necessary powers to open to the public, whenever the said corporation shall deem it advantageous to do so in the interest of the city, any new street, highway, public place, or square, shewn on the said plans or maps; and also to widen any of the streets, public places or squares thereon indicated as widened, after having adopted, however, the formalities and procedure hereinafter prescribed relative to the mode of expropriation and the levying of special assessments.

New streets—
when to be
opened.

174. The designation of new streets and public places or squares, in and by this act, applies to such streets, public places or squares as have not been opened and named before the passing of this act.

Term "new
streets," how
interpreted.

175. The council of the said city of Montreal shall have full power and authority to order, by resolution, the opening, extending or widening of streets, public highways, places or squares, or the construction of public buildings, and to order at the same time that such improvement shall be made out of the city's funds, or that the cost thereof shall be assessed in whole or in part, upon the pieces or parcels of land belonging to parties interested in, or benefited by the said improvement; and to purchase, acquire, take and enter into any land, ground or real property whatsoever within the limits of the said city, either by private agreement or amicable arrangement between the corporation of the said city and the proprietors or other persons interested, or by complying with all the formalities hereinafter prescribed, for opening streets, public squares, markets, or other public places, or for continuing, enlarging or improving the same, or a portion of the same, or as a site for any public building to be erected by the said council.

Council may
order opening
or widening of
streets, &c.

Mode of procedure in expropriation cases.

176. In case the council of the said city, after having resolved upon undertaking and carrying out any of the said works or improvements for which it has been necessary to acquire one or more lots of ground or real property within the limits of the said city, cannot come to an amicable arrangement with the persons seized or possessed of, upon any title whatsoever, or interested in, the said lots of ground or real property, or any part thereof, or who may be absent or unknown, as regards the price of compensation to be paid for the said lots of ground or real property, or any part thereof (the said corporation, however, shall not be bound to take any step or proceeding towards securing such amicable arrangement), such price or compensation shall be fixed and determined in the following manner, to wit :

Notice to be given for appointment of commissioners.

2. The corporation of the said city, by their attorney or counsel, shall give special notice, addressed through the post office, to the person in whose name the property was lastly assessed on the assessment roll, as proprietor, at his actual or last known domicile, and shall also give notice in at least two newspapers, one of which published in French and the other in the English language, in the said city, which said notice shall have two insertions in each of the said newspapers, that they will, by and through their said attorney and counsel, present on the day and hour mentioned in the said notice, to the superior court in and for the district of Montreal, sitting in term, or to any of the judges of the said court in chambers, pending the vacation, and during the months of July and August in each and every year, a petition calling upon the said court or any one of the judges thereof respectively, to choose and nominate three competent and disinterested persons to act as commissioners to fix and determine the price or compensation to be allowed for every such lot of ground or real property, or any part thereof, which may be required by the said corporation for the purposes of the said improvement, and which shall be designated in the said notice by giving the boundaries (*tenants et aboutissants*); and one month at least shall elapse from the date of the last insertion of the said notice in the said newspapers, to the day appointed for the presentation of the said petition; and the said notice shall, moreover, be posted in both languages, twenty days previous to the date of the presentation of the said petition, in three different places, upon each and every lot of ground or real property liable to expropriation, or in the immediate vicinity thereof;

Notice to be posted on lots.

Appointment of commissioners.

3. The court or judge, as the case may be, to whom the said petition shall have been presented, shall appoint three commissioners as aforesaid, and fix the day on which the said commissioners shall begin their operations, and also

the day on which they shall make their report; provided always, it shall be lawful for the said court, or the said judge, to extend the said delays upon reasonable ground being shown to that effect;

4. No person shall be capable of fulfilling the duties of commissioner of expropriation, unless such person be assessed and rated in the general assessment roll of the said city, as proprietor of one or more real estate, of the aggregate value of at least ten thousand dollars currency;

5. The judgment embodying the said appointment shall be served, with as little delay as possible, upon the said commissioners, who shall be held to accept the said office and to perform the duties thereof, under the penalty of a fine of one hundred dollars, which it shall be competent for the said superior court to inflict upon each of the said commissioners upon proof of his or their refusal or neglect to perform the said duties; but the exemptions provided for, in behalf of certain persons, by the second section of chapter eighty-four of the consolidated statutes for Lower Canada, relating to juries, shall apply equally to any of the said commissioners, who may appertain to any one of the classes of persons mentioned in the said last cited section;

6. Immediately after the appointment of the said commissioners, it shall be the duty of the city surveyor to furnish them with a plan or map showing the proposed improvement, as also the pieces or parcels of ground or real estate to be expropriated;

7. The said commissioners, before proceeding, shall be duly sworn before the prothonotary of the said superior court, (see schedule Y hereunto annexed); and they shall be vested with the same powers and entrusted with the same duties as are conferred by the laws in force in this province upon experts in reference to appraisements; and they shall be entitled to receive a remuneration not exceeding four dollars per day each, during the whole time they shall of necessity be occupied in the performance of the said duties;

8. The said commissioners, before proceeding with the valuation of the properties or real estate to be expropriated, shall begin by determining who are the parties interested in, and to be specially assessed for the purpose of the proposed improvement; of which they shall draw up a report and give public notice of the same by an advertisement to be inserted twice in two English and two French newspapers published in the said city, in which advertisement it shall not be necessary to give the names of the parties interested in the said improvement, but only to define the limits or boundaries in which the properties or real estate liable to assessment are included;

Their qualification.

Commissioners held to serve under penalty.

Exemption.

City surveyor to furnish com. with plan, &c.

Com. to be sworn.

Their powers.

Salary.

Com. to determine first who are benefited.

*Tré de 29-30 ans
Ch 56. passe à
attende session
de 1866.*

Parties interested may object

9. The said parties, so notified, who desire to oppose the said improvement may do so, by a declaration to that effect, to be signed by such parties opposing, and to be filed in the hands of the city clerk, within ten days from the date of the last insertion of the said advertisement;

Com to decide if parties objecting constitute a majority.

10. At the expiration of the delay aforesaid, the city clerk shall hand over to the said commissioners the declaration, if any, filed in his hands; and the said commissioners shall thereupon ascertain and determine, without any appeal, if, in reality, the signers of the said declaration constitute the majority in value of the said parties interested (the said value as set forth and established in and by the general assessment roll last made and revised); and if they find that such majority are opposed to the improvement, they shall report the fact to the said court or judge, as the case may be, on the day appointed to receive their report of valuation, and the proceedings in expropriation shall *ipso facto* be annulled; if, on the contrary, no declaration has been filed, or the said commissioners determine that a majority in value of the parties have not signed the said declaration, they shall appoint a day on which to proceed to determine the value of the real estate subject to expropriation, of which they shall give notice by publication in two newspapers in the French language, and two newspapers in the English language, published in the said city;

Right of veto restricted.

11. The right of opposition, conferred as aforesaid, upon the majority of proprietors interested in an improvement, resolved upon by the council of the said city, shall not apply to expropriations for improvements as laid down on the general plan of the city of Montreal, when such improvements only affect new or projected streets, as fixed and determined upon such general plan of the city of Montreal, and not already in actual possession of the said city, when the said plan shall be homologated and confirmed by the court according to the provisions of this act; and the owners of real estate through whose property such new or projected streets are laid down shall have no claim whatever against the said corporation for rights of servitude, accruing from the fact of such projected streets being run through their property; provided that nothing herein contained shall be construed as affecting the right of opposition which now exists as regards the enlargement or widening of old streets, which right of opposition shall remain in full force with regard to the widening or enlargement of such old streets;

When less than 30 feet is left.

12. When there shall remain, after expropriation of part of any real estate, a depth not exceeding thirty feet, the proprietor, usufructuary or administrator thereof may compel the corporation of the said city to acquire the same for such price per foot as the commissioners of expropriation

may determine, in reference to such residue, by the proprietor, usufructuary or administrator giving to the city clerk, on or before the day fixed for the commissioners to proceed to the valuation, notice of such his intention to sell and give up such residue as aforesaid ;

13. The said commissioners may, if they deem proper, call upon the proprietors or parties interested, to give them communication of their title deeds ; and upon their failing to comply with such demand, the said commissioners are hereby authorized to procure copies of the said title deeds at the cost of the said proprietors or parties interested ; and the amount of said costs shall be deducted from the price or compensation to be finally awarded to the said proprietors or parties interested in the expropriation ;

Com. to be
furnished
with title
deeds.

14. It shall be the duty of the said commissioners to diligently proceed to appraise and determine the amount of the price, indemnity or compensation which they shall deem just and reasonable for each of the pieces or parcels of land, or real estate, the expropriation whereof shall have been resolved upon by the city council, or for the damages caused by such expropriation ; and the same commissioners may act and adjudicate upon the price or compensation for all and every the pieces or parcels, of land or real estate buildings or parts of buildings thereon erected, required for any improvement which the said council may have ordered to be made or carried out at one and the same time ; and the said commissioners are hereby authorized and required to hear the parties and to examine and interrogate their witnesses, as well as the members of the city council and the witnesses of the said corporation ; but the said examination and interrogatories shall be made *viva voce* and not in writing, and shall consequently not form part of the report to be made by the said commissioners, any law, usage, or custom to the contrary notwithstanding ;

Value of pro-
perty—how
ascertained.

Hearing of
witnesses.

15. If in the discharge of the duties devolving on the said commissioners by virtue of this act, there should occur a difference of opinion between them as to the value of the piece of land or real estate about to be expropriated, or upon any other question within their province, the decision of two of the said commissioners shall have the same force and effect as if all the said commissioners had concurred therein ;

In case of
difference of
opinion, major-
ity to decide.

16. In every case where the corporation of the said city may have resolved to carry out and execute any of the works or improvements aforesaid, at the city's expense exclusively, the said commissioners shall be held to determine and award when the expropriation shall apply to or affect but a portion of the property or real estate, what may be the damage to or deterioration in value of the residue of the property or real estate, by the separation from it of the

Increased
value of resi-
due of prop-
erty, to be taken
into considera-
tion in certain
cases.

part required by the said corporation; and they shall determine, first, the intrinsic value of the part of the property to be taken, and, secondly, the increased value, if any, of the residue of the property caused by the proposed improvement; and the difference between the intrinsic value of the part of the property required and the increased value aforesaid shall constitute the price or compensation which the party interested shall be entitled to; and when the said commissioners shall determine and award that the increased value is equivalent to or in excess of the intrinsic value of the part of the property required, then they shall not award any price or compensation for the part so required or liable to expropriation;

In case the com. fail in the performance of their duties.

17. If any of the said commissioners, at any time after his appointment, shall fail in the due performance of the duties assigned to him in and by this act, or shall not fulfil the said duties in a faithful, diligent, and impartial manner, it shall be lawful for the corporation of the city, by its attorney, to apply, by summary petition, to the said superior court, or to a judge thereof, as the case may be, to stay the proceedings of the said commissioners, and to remove and replace the commissioner who may have forfeited or violated his obligation; and upon such petition, the said court, or judge, may issue such orders as may be deemed conformable to justice;

In case of death of com.

18. In case any of the commissioners appointed as aforesaid, should die, or be disqualified, or be unable to act as such commissioner, the said court, or one of the judges thereof, as the case may be, shall, upon a summary petition to that effect, to be presented by the corporation of the said city, after two clear days' notice, to be established to the satisfaction of such court or judge, replace such commissioner by another competent and disinterested person, upon whom the said office shall be binding in the same manner as upon his predecessor;

Com. to report amount of appraisement.

19. So soon as the said commissioners shall have completed the proceedings relating to the appraisement, and determined the price or compensation for the pieces or parcels of land or real estate about to be expropriated, they shall make out a report of their appraisement which they will sign and deposit in the office of the city clerk, who shall at once give public notice thereof, and of the day on which the said report will be submitted to the superior court, or to one of the judges thereof, as the case may be, for homologation;

Report of com. to be submitted to the court for confirmation.

20. On the day specified in the said notice, the corporation of the said city, by their attorney or counsel, shall submit to the said superior court, or to one of the judges thereof, respectively, the report containing the appraisement of the said commissioners, for the purpose of being con-

firmed and homologated to all intents and purposes; and the said court or judge, as the case may be, upon being satisfied that the proceedings and formalities hereinbefore provided have been observed, shall pronounce the confirmation and homologation of the said report which shall be final as regards all parties interested, and consequently not open to any appeal, for the purposes of the expropriation;

21. But in case of error as to the amount of the indemnity only on the part of the commissioners, the party expropriated, his heirs and assigns, and the said corporation, may proceed by direct action in the ordinary manner, to obtain the augmentation or reduction of the indemnity, as the case may be; and the party expropriated shall institute such action within fifteen days after the homologation of the report of the said commissioners; and, if upon such action the plaintiff succeed, the corporation shall deposit in court the amount of the condemnation, to be paid to the party entitled thereto; and the said corporation may, within three weeks after the homologation of the said report, abandon the proceedings in expropriation, and, in such case it shall be held to indemnify the party expropriated for the damages by him sustained up to that moment, or they may within the said delay of three weeks, prosecute their action for reduction of indemnity, as aforesaid; and if, in the public interest, the corporation deem it advisable to have the report homologated, in order to deposit the amount of the indemnity, and take possession of the immovable expropriated, while protesting against the amount of the said indemnity as excessive, the party expropriated or his creditors shall not touch the amount of the said indemnity, except on furnishing good and sufficient security for the amount, over and above the sum which the said corporation shall have declared, by a writing filed in the Prothonotary's office of the said superior court, and signed by the attorney of the said corporation, or by the city clerk, to be the just and proper indemnity which they consider they ought to pay.

Recourse of party expropriated in the event of error on the part of the commissioners as to the amount of indemnity and proceedings, pending such recourse.

177. In case any street, public place or square shall be laid out and determined before the confirmation and homologation of the general plan of the city, as aforesaid, or if any street, public place or square shown and designated on the said plan, shall be widened or extended after such confirmation and homologation, no indemnity or damage shall be allowed or granted for buildings, structures or improvements which the proprietors or any other persons whomsoever shall have caused to be erected or made upon any of the pieces or parcels of land, or real property which the corporation of the said city may resolve to acquire for public purposes, from the time that the public notice mentioned in the

No indemnity granted for building erected on property about to be expropriated, after posting up of notice.

sub-section number two of the next preceding section, shall have been posted upon the said pieces or parcels of land or real estate as aforesaid.

After the confirmation of report, amount of compensation to be deposited.

Effect of such deposit.

Mortgages on land expropriated removed.

Recourse of mortgagees.

Distribution of the money.

Proviso :

Compensation not liable to tax under 12 Vic., cap. 112.

178. The corporation of the said city shall within thirty days from and after the confirmation and homologation of the report of the said commissioners, make, in the hands of the prothonotary of the said superior court, whose duty it shall be to grant to the said corporation a written acknowledgement thereof, a deposit and consignment of the price or compensation and damages settled and determined in and by the said report; and the act of such deposit and consignment shall constitute, in behalf of the corporation of the said city, a legal title to the property of each of the said pieces or parcels of land or real estate; and from thence all proprietors of, or other persons whatsoever interested in, the said pieces or parcels of land or real estate, shall loose and be divested of all their rights or claims thereto, and the said corporation shall be vested with the said pieces or parcels of land or real estate, and may of right and without any further formality enter in possession of, and use the same for any of the purposes authorized in and by this act; any law, statute or usage to the contrary notwithstanding.

179. Any expropriation made in virtue of this act shall have the effect of removing and paying off all mortgages or privileges with which the said pieces or parcels of land or real estate may be burdened or encumbered at the time; but the price or compensation deposited in the hands of the prothonotary, as aforesaid, shall be held to represent the said pieces or parcels of land or real estate as regards all mortgagees or privileged creditors, whose rank and priority shall be preserved in the distribution to be made of the money deposited conformably to this act.

180. When the money shall have been deposited and consigned in the hands of the prothonotary as aforesaid, the said superior court, or any of the judges of the said court, during the vacation and out of term, shall determine the mode of calling forth the creditors of the party entitled to such money, or his legal representatives, and all other parties interested, and issue such orders as may be deemed advisable and just as regards the delivery or distribution of the money, or any other matter in connection with the claims or demands of the parties interested; provided always, that when the price or compensation and damages shall be paid in whole or in part to the party entitled to the same (but this proviso shall not be held to apply to his creditors,) the amount of such price or compensation shall

not be subject to the tax imposed by and in virtue of the twelfth Victoria, chapter one hundred and twelve, nor to the commission which the prothonotary of the said superior court is entitled to receive, nor to any tax, or commission.

181. The prothonotary of the superior court shall pay and remit to the treasurer of the province of Quebec, all interest and revenue arising from the different sums of money deposited by the said city, in the hands of the said prothonotary, as indemnity, in virtue of the foregoing provisions, after deducting therefrom the amount of any commission on the said sums of money that the said prothonotary may be legally entitled to; and all sums so deposited shall immediately after their receipt be placed by the prothonotary in a separate account of interest in one of the chartered banks doing business in the city of Montreal.

Prothonotary to pay over interest to prov. treasurer.

182. When the council of the said city shall, by a resolution adopted by a vote of two-thirds of its members, determine to carry out an improvement and to contribute, from the city funds, one-third of the cost thereof, the right of opposition conferred, in and by sub-sections nine and ten of section one hundred and seventy-six of this act, upon the proprietors interested, shall be suspended, in so far as it relates to such improvement; provided, however, the said council, before adopting any such resolution, shall have previously given ten days' notice to that effect, in at least one English and one French newspaper published in the said city:

Right of veto suspended in certain cases.

183. All the provisions contained in section one hundred and seventy-six of this act, with regard to the appointment of commissioners and the mode of ascertaining the value of the pieces or parcels of land or real estate taken by the corporation of the said city, shall be and are hereby extended to all cases in which it shall become necessary to ascertain the amount of compensation to be paid by the said corporation to any proprietor of real estate or his representatives, for any damage he may have sustained by reason of any alteration, made by order of the said council, in the level of any street or sidewalk, or by reason of the removal of any establishment subject to be removed under any by-law of the said corporation, or to any party by reason of any other act of the said corporation for which they are bound to make compensation, and where the said corporation and the party aggrieved are unable to agree as to the amount of such compensation, and the amount of such compensation shall be paid at once by the said corporation to the party having a right to the same, without

Provisions extended to compensation for alteration of levels, &c.

Parties held to obtain level before building.

further formality; provided that any person who shall erect any building whatever upon or contiguous to any established or contemplated street, public place, or square in the said city, without having previously obtained from the city surveyor the level of such street, public place, or square, shall forfeit his or her claim for damages or compensation by reason of any injury caused to the property when such level shall be settled and determined by the said council, through the road committee.

Corporation may acquire a certain extent of land over and above portion required for improvement.

184. In all cases where, for the purpose of opening any street, square, market-place, or other public place, or for continuing, enlarging, or otherwise improving the said streets, squares, market places, or other public places, or a site for any public building to be erected by the said corporation, the said corporation shall deem it advantageous to purchase and acquire, or take, or enter upon, more than the ground actually required for any of the said purposes, it shall be lawful for the said corporation so as aforesaid, to purchase and acquire an extent over and above what may be required for the above purposes; provided, nevertheless, such extent do not exceed one hundred feet in depth by whatever length may exist, and such extent of one hundred feet may be taken out of one or both sides of the said street, square, market-place, or site for any public building, in case the proposed improvement applies to both sides of such street, square, market-place or site as aforesaid; provided also, that if any proprietor, a portion of whose property may be required for the above purposes, objects to the said corporation taking or acquiring more than the piece or parcel of his lot required for any of the said purposes, such proprietor shall make known his objection by causing a written notice to that effect to be served upon the said corporation at least two days previous to the day fixed as aforesaid on which the said commissioners are to begin their operations; in which case the said corporation can only take and acquire the piece or parcel of land required for the improvement and no more.

Proprietor may object.

Assesment to be made by com.

185. 1. So soon as the report of the said commissioners shall have been confirmed and ratified by the said court, or by one of the judges thereof, as the case may be, conformably to sub-section twenty of section one hundred and seventy-six of this act, it shall be the duty of the said commissioners, in all cases where the said council may have ordered, in conformity with section one hundred and seventy-five of this act, that the cost of the said works or improvements shall be borne in whole or in part, by the proprietors or parties interested, benefited or to be benefited by the said works or improvements, to assess and apportion, in such

manner as to them may appear most reasonable and just, the price or compensation, indemnity, damage and cost of such expropriation or improvement, in whole or in part, conformably to the resolution of the said council, upon all and every the pieces or parcels of land or real estate benefited by such improvement, and comprised within the boundaries previously fixed and settled in pursuance of subsection eight of section one hundred and seventy-six of this act ; and the said commissioners shall, for the purposes of the said improvement, base their valuation upon the actual value of the said pieces or parcels of land or real estate, irrespective of buildings thereon erected, taking into account the size of the said pieces or parcels of ground or real estate, and the benefit to be derived from the said improvement ; provided however, that when the boundaries within which the assessment is to be made as aforesaid shall cover a more than ordinary area, or the number of proprietors to be assessed shall exceed one hundred, then, in every such case, the said commissioners shall take as the basis of their assessment the value of the pieces or parcels of lands or real estate benefited as aforesaid, the said value, as set forth and established in and by the general assessment roll of the said city, last made and revised ;

2. Immediately after the completion of the said special assessment roll, the said commissioners shall deposit the same, duly certified, in the office of the city clerk, for the examination and inspection of all parties interested ; and they shall give public notice of the completion and deposit of the said special assessment roll, in at least, two English and two French newspapers published in the said city ;

3. Such notice shall have at least two insertions in the said newspapers, and shall set forth that the commissioners have completed the said special assessment roll and that the same has been deposited in the office of the city clerk, where it may be seen and examined by any person interested therein during the delay specified in the said notice, which delay shall in no case be less than fifteen days from the last publication of the said notice, and that after the expiration of that delay, at a day and hour to be stated in the said notice, the commissioners will meet, at the city-hall, to review the said special roll of assessment ;

4. On the application of any person conceiving himself aggrieved, it shall be the duty of the said commissioners, on the day and at the hour and place above mentioned, to meet and to hear and examine all complaints, in relation to the said special roll of assessment ; and they may adjourn from time to time, as may be necessary, to hear and determine such complaints, and after such examination the said commissioners may maintain, modify or amend, at their discretion, the said special roll of assessment, without the necessity of any further notice ;

Proviso :

Roll when completed to be deposited.

Notice to be given.

Tenor of notice.

Com. to hear complaints.

Final roll to be left with the city treasurer.

5. The said special roll of assessment, when finally settled by the said commissioners, as aforesaid, shall be filed and kept of record in the city treasurer's office; and the said special assessment shall be due and may be recovered by the corporation of the said city in the same manner as the ordinary taxes and assessments which the said corporation are authorized to impose and levy by this act.

Duties of com. may be performed by a majority of them.

186. The duties assigned to the said commissioners by the preceding sections of this act, in reference to expropriations, may be performed with the same force and effect by the concurrent majority of the said commissioners; and in every case where a difference of opinion may arise between the said commissioners, the decision of the majority of the said commissioners shall have the same force and effect, as if the whole of the said commissioners had concurred therein.

Com. to be appointed to assess in cases of amicable arrangement.

187. When the corporation of the said city, after having resolved to carry out an improvement, at the cost of the parties interested, in whole or in part, shall have acquired by amicable arrangement and without having recourse to proceedings in expropriation, all the pieces or parcels of ground required for the said improvement, the said corporation may, by a petition to be addressed to the superior court, or to any judge thereof in vacation, in the manner provided in the sub-section two, of section one hundred and seventy-six of this act, cause to be appointed three commissioners for the special purpose of making and determining the apportionment or special assessment to cover the cost of the said improvement, in whole or in part, as the case may be; and the said commissioners shall make such apportionment or special assessment in the manner specified in the foregoing section one hundred and eighty-five.

If roll of assessment be set aside, another may be made.

188. When a special roll of assessment, or any other assessment whatsoever made by the assessors of the said city, or the commissioners of expropriation, or any municipal officer whatsoever, to defray the costs of any improvement or work executed in the public interest, shall be defective, or shall be rejected and annulled by the superior court, or by the circuit court, or the recorder's court, or by any judge of the said courts, as the case may be, commissioners shall be appointed in manner aforesaid, whose duty it shall be to proceed to make out a new roll of assessment or apportionment, in order that such improvement, as aforesaid, may be paid by the parties interested, when the council of the said city shall have so determined; provided always, that this section shall not have the effect of rendering valid any such assessment roll, which may be defective

Proviso:

4-380-73-56

by reason of the illegality of the resolution of the council, upon which such roll is based; and provided also, that said commissioners be appointed as follows: one by the corporation, one by the proprietors (collectively) named in the roll of assessment set aside, and the third by a judge of the superior court; and in case of the failure on the part of either the said proprietors interested or the said corporation to select an arbitrator within ten days after proper notice shall have been given to make such selection, the said arbitrator shall be appointed by a judge of the superior court.

189. The mode prescribed in the preceding sections for expropriations and for levying and determining special assessments shall have force and effect, and shall be followed and applied, not only as regards works or improvements which the council of the said city may hereafter order to be carried out, but also with respect to any work or improvement which the said council may have resolved at any time before the passing of this act to carry out.

Mode of expropriation extended to improvements ordered before passing of this act.

190. The corporation of the said city may open, continue, or widen any streets or highways, and establish public parks or squares, beyond the limits of the said city, and acquire any piece or parcel of land required for any of the said purposes, in the same manner, and by following the same formalities as those prescribed in and by this act for similar improvements within the limits of the city; provided always, that before exercising any of the powers conferred upon it by this section, the said corporation shall be held to obtain the consent of the municipality within the limits of which such powers are to be exercised.

Power to open streets beyond city limits.

Proviso :

191. Corporations, ecclesiastical or civil, whose property, or any part of whose property, shall be conveyed to, or taken by the said city under the authority of this act, may invest the price or compensation paid for the property so conveyed or taken, into other real property in any part of this province, and may take and hold the same without Her Majesty's letters of mortmain, any law to the contrary notwithstanding.

Corporations may invest compensation.

192. It shall be lawful for the council of the said city to order, by resolution, the construction of flag-stone or asphalt sidewalks, or street grading in the said city, and to defray the cost of the said works or improvements out of the city funds; or to assess the cost thereof, in whole or in part, as the said council may, in their discretion, deem proper, upon the proprietors or usufructuaries of the real estate situate on each side of such streets, public places or squares,

Local improvements extended to sidewalks.

in proportion to the frontage of the said real estate respectively ; and in the latter case it shall be the duty of the city surveyor to apportion and assess, in a book to be kept by him for that purpose, the cost of the said works or improvements, or such part thereof as the said council may have determined should be borne by the said proprietors or usufructuaries, upon the said real estate, according to the frontage thereof as aforesaid ; and the said assessment, when so made and apportioned, shall be due and recoverable, the same as all other taxes and assessments, before the recorder's court.

Who shall be
deemed
absent.

193. Every person without a domicile or place of business within the limits of the said city, shall be deemed to be absent, within the meaning of this act.

Bailiffs to
serve notices,
&c.

194. Any bailiff of the superior court for the district of Montreal, or of the said recorder's court, may serve and post up the notifications required by this act, and make a return thereof under his oath of office.

Record of
streets.

195. The said council shall have power to cause such of the streets, lanes, alleys, highways and public squares, in the said city or any part thereof, as shall not have been heretofore recorded or sufficiently described, or shall have been opened for public use during ten years, but not recorded, to be ascertained, described and entered of record in a book to be kept for that purpose by the city surveyor of the said city, and the same, when so entered of record, shall be public highways or grounds ; and the record thereof, shall, in all cases, be held and taken as evidence for their being such public highways and grounds ; provided that any change made by the said council in the name of any street in the said city, shall, without delay, be reported in writing by the city surveyor to the registrar of the registration division within which is the city of Montreal.

Changes in the
names of
streets to be
notified to the
registrar.

Mount Royal
park.

196. 1. Power is given to the corporation of the said city of Montreal to acquire and establish a public park, to be known as the "Mount Royal Park," of the extent shown and of the form delineated in green on the plan of said park, made by P. Macquisten, esquire, city surveyor, dated the sixteenth day of November, one thousand eight hundred and seventy-one, a copy of which, signed by the mayor, countersigned by the city clerk, and with the seal of the said city thereunto affixed, was filed of record in the office of the clerk of the legislative council of the said province of Quebec, on the twelfth day of December, one thousand eight hundred and seventy-one ; and the said corporation is authorized to carry out the said plan, copies of which, in full or on a re-

duced scale, certified by the said clerk of the legislative council, shall be deemed authentic for all purposes of this act;

2. The said park shall be considered a general improvement, interesting equally all parts of the city; A general improvement.

3. The commissioners for the valuation of the property required for the said park shall be named, as follows: one by the corporation, one by the party whose property is to be expropriated, and a third by a judge of the superior court; and in case of the failure either of the owner of the property to be expropriated or of the said corporation to select an arbitrator within ten days after proper notice shall have been given to make such selection, the said arbitrator shall be selected by a judge of the superior court; the said commissioners shall, as soon as possible after their appointment, proceed to value the property to be expropriated, and to make their award in accordance with the provisions of section one hundred and seventy-six of this act; Commissioner; how appointed.

4. The said council are hereby authorized to acquire, by the ordinary process of expropriation, as provided in and by the said section one hundred and seventy-six, or by amicable settlement, all real property within and beyond the city limits required for the opening of streets or avenues leading to the said park, and to assess or cause to be assessed and apportioned in pursuance of section one hundred and eighty-five of this act, the cost of acquiring such streets or avenues, in whole or in part, as the said council may have determined, upon the proprietors benefited by such improvement; provided that the right of opposition conferred on proprietors liable to expropriation in and by the above first cited section, shall not apply to expropriations to be made for the said park or the streets and avenues leading thereto as aforesaid; Streets and avenues leading to the park.

5. All the area of land tinted *green*, and specified on the said last mentioned plan, and required for the purposes of the said park, and the real estate colored in a *light neutral tint* on the said plan, shall henceforth form part of the city of Montreal, and be deemed to be within the limits of the said city, for all municipal purposes; provided, however, that the pieces of land which the said corporation may cede or exchange with the trustees of the Mount Royal cemetery, in virtue of this act, shall, by the sole fact of such cession or exchange, be deemed to be outside the limits of the said city; Park to be included in the city. See 41st Vol. Ch 27. 62 182-58-3530

6. The corporation of the said city shall have full authority to sell, by public auction only, any portion of the land acquired for the purposes of the said park, not to exceed, however, two hundred and fifty acres of ground acquired; Part of the park may be sold.

7. The said corporation may leave in the hands of the proprietors such pieces or parcels of land included in the Certain pieces of land may be left out.

said park, as it may deem inexpedient to acquire, by reason of the expensive improvements thereon, or the peculiar way in which the lots may be sub-divided.

Management
of the park.

197. The establishment, management, and supervision of the said park shall devolve upon and be left exclusively to three competent persons to be chosen and appointed as commissioners for that purpose by the council of the said city, who may, by by-law, prescribe the duties, powers, and attributions of the said commissioners, and also the amount of remuneration they are to receive for their services; the said commissioners may be removed by the said council and others chosen instead, and they may enter into office immediately after their appointment.

WATER-WORKS.

Corporation
may construct
water-works
within 30
miles.

198. The corporation of the city of Montreal is authorized to make, erect, construct, repair, and maintain, in the city of Montreal, and out and beyond the limits of the said city, for a distance of thirty miles, water-works, together with all appurtenances and accessories necessary to introduce, convey, and conduct throughout the said city and parts adjacent, a sufficient quantity of good and wholesome water, which the said corporation is authorized by this act, to take and distribute for the use and supply of the inhabitants of the said city and parts thereto adjacent; to improve, to alter or remove the said water-works, or any part thereof; to change the site of the hydraulic wheels, engines or source of supply thereof; to erect, construct, repair and maintain all the buildings, houses, sheds, wheels, engines, water-houses, reservoirs, cisterns, ponds and basins of water, and other works necessary and expedient to convey water to the said city and parts adjacent thereto; and for this purpose the said corporation may acquire and hold any land or real estate, servitude, usufruct in the said city, or within a circuit of thirty miles from the limits of the said city; to make contracts for the acquisition of any land necessary for the said water-works; to grant mortgages (*hypothèques*) for the price of such land or any part thereof, remaining unpaid by the said council; to acquire a right of way wherever it may be necessary; to pay any damages occasioned by such works either to buildings or lands; to enter into contract with any person for the construction of the said water-works in whole or in part; to superintend and direct the works when completed; to name and appoint an engineer and all officers and laborers necessary, and to fix their salaries or wages; to enter during the day-time, upon the lands of private individuals for the purposes aforesaid, and to make excavations, and take and remove stones, soil, rubbish, trees, roots, sand,

Powers to that
effect.

gravel, or other materials or things, but by paying or offering a reasonable compensation for such materials or things, and by conforming in all things with the provisions hereinafter made.

199. The said corporation, after having paid, or offered, or deposited the value of any real estate it may require for the purpose of the said water-works, may enter upon and take possession of the same in virtue of this act.

200. Whoever shall not accept the offer made in writing by the said corporation for any land, servitude, or right of way, may agree with the corporation to refer the subject in dispute to appraisers to be indifferently chosen in manner following, to wit: one by the said corporation, another by the other party, and a third or umpire, only in case of difference of opinion between the two others; and in case of the said party neglecting to choose and appoint an appraiser within six days after notice in writing to that effect served upon him by or on behalf of the said corporation, or in case of the appraisers chosen and appointed not agreeing upon the nomination of such third or umpire, an appraiser for such party or such third shall be appointed by any of the judges of the superior court residing at Montreal; and the said appraisers and third or umpire shall be sworn before such judge, before beginning their proceedings, which shall be conducted in the manner provided by the law of the said province of Quebec for proceeding by *experts*; and they shall hear any witnesses who may be brought before them in relation to the matter of the said appraisement, the said witnesses first sworn before any one of the said appraisers; and the decision of the said two appraisers if they shall agree, or of any one of the said appraisers and the umpire shall be conclusive, notwithstanding any defect of form in their proceedings.

201. If there shall be any doubt as to whom the compensation for any real estate required by the corporation, shall or ought to be paid, or to whom the offer of payment ought to be made, the corporation shall, in such case, deposit the amount of the said compensation in the hands of the prothonotary of the said superior court, at Montreal, to abide the judgment of the said court relative to the distribution of the said sum among the parties who shall be entitled thereto, and the said court shall prescribe the mode of calling in all parties interested, and make such order or decision in relation to the same, as in its discretion shall seem just and reasonable.

202. The preceding sections shall apply to the case where the said corporation shall desire to exercise a right of

May take possession on certain conditions.

If parties cannot agree, experts to be appointed.

Deposit of compensation if title be doubtful.

Provisions to apply to servitudes.

way or servitude; or cause works to be done on any private property; the corporation shall have the power to exercise these rights, or cause such work to be done, after payment, or offer of payment, or deposit of the amount of indemnity that it may deem reasonable in such case, and if the parties interested shall not agree with the said corporation respecting the amount or the award or choice of the appraisers, the proceedings above mentioned shall be followed accordingly, as the case may be.

Power to open
ground on
roads, &c.

203. The said corporation shall have power to dig and remove the soil, fences, sewers, pavements, of any public highway, road, street, square, hill, market-place, lane, alley, yard, footway, quay, bridge, enclosure, ditch, wall, or other passage or place, but making or causing no unnecessary damage; to enter upon and make use of any private lands; to dig and sink branches; to lay and drive pipes and accessories thereof; to widen common passages, for the laying and fixing of pipes and all such things as may be necessary to convey the water to houses or other buildings; to alter, repair, replace and maintain such pipes, and other materials, and works, and finally make and do any other act, as shall or may be necessary or expedient for the purposes of the said water-works.

To lay pipes.

(General
power.

Passing pipes
along build-
ings.

204. It shall be lawful for the said corporation to pass pipes along the outside of any house or other building, to furnish water to any other property; to open and unpave common passages; to make trenches to lay pipes and other accessories; and in such cases the said corporation shall indemnify the proprietors for any damage occasioned to them.

Free passage to
be left.

205. Whoever, having the right to do so, shall open, or cause to be opened any trench in any street of the said city, shall take care to preserve a free and uninterrupted passage through such street, while the works are in progress; he shall fill up the trenches and replace the pavement and ground in the same condition as that in which they were before the works were begun, and without unnecessary delay; he shall cause the trench to be fenced or guarded with lamps or with watchmen during the night, so that the same may not be dangerous to passengers, and in default of so doing he shall incur the penalty provided for in section one hundred and twenty-four of this act.

Openings to be
properly pro-
tected.

Location of
works.

206. The said water-works and the accessories thereof shall be so located and maintained as in no wise to endanger the public health or safety.

Penalty for
impeding
works.

207. If any person shall prevent the said corporation, or any person employed by the said corporation, from erecting,

repairing or completing any of the works, of the said water-works, or from exercising any of the powers and rights accorded by the foregoing sections, or shall embarrass, or shall interrupt them in the exercise of such rights, or cause any injury to the said water-works, apparatus or the accessories thereof, or obstruct, embarrass, hinder or prevent the working of the said water-works, or the apparatus or accessories thereto belonging, or any portion thereof, or shall cause the same to be done by others, such person shall be liable in addition to the penalty imposed in and by the said section one hundred and twenty-four, to the damages that the said corporation shall or may suffer from any such act, and the said corporation may recover such damages, with costs, by complaint or suit before the ordinary courts of justice of this province having jurisdiction in the matter.

208. The said corporation shall have full power to make by-laws to prohibit any occupant of a house or any other real property or of any part thereof, supplied with water from the said water-works, from furnishing water to others, or from using it otherwise than for his own use, or for increasing the supply of water agreed for, or from wasting it; to prescribe the size, nature, strength, materials, mode of arrangement and repair of the pipes, valves, cocks, cisterns, water-closets, baths, and other apparatus to be used in the said city; and to interdict the use of any such pipes, valves, cocks, cisterns, water-closets, baths, and other apparatus which in the judgment of the water committee of the said council may tend to the waste, misuse, or undue consumption of the water supplied from the said works; to regulate the time, the mode, and nature of the supply of water from the said water-works, to those to whom it ought to or shall be furnished; to regulate and establish, by a tariff, the price of the water, the time and mode of payment, which payment may be made in advance if deemed advisable by the said council; and any other matter, or thing having reference to the said water-works, which it may be necessary or proper to direct, regulate or determine for issuing to the inhabitants of the said city a regular and abundant supply of pure and wholesome water, and to prevent the practicing of frauds upon the said corporation with regard to the water to be supplied.

By-laws may be made to punish and prevent waste of water.

To prescribe size of pipes.

To fix a tariff of rates.

To prevent frauds.

209. The said corporation shall have power to appoint one or more inspectors empowered to enter, at all reasonable hours, into any house or building, or upon any land traversed by the water of the said water-works, and to examine the cocks, pipes, service pipes, conduits, cisterns, reservoirs or apparatus placed in such house, building or land, for the purpose of ascertaining the quantity of water

Inspectors may be appointed; their powers.

consumed or supplied, or for placing or carrying away any meter, instrument, pipe, fitting or other work belonging to the corporation; and such entrances and examinations shall be regulated and determined by the by-laws for this purpose made, or to be hereafter made, by the said corporation, and to which the said inspectors and all other persons residing either permanently or temporarily in the said city shall conform and submit, under such penalties as shall be fixed or prescribed by the said by-laws.

Notice when
corporation
are ready to
furnish water.

210. As soon as the corporation are ready to furnish water, to any part of the city not already supplied, they shall give public notice thereof, which said notice shall have at least two insertions in the newspapers in which the advertisements of the corporation usually appear, and after such publication, all proprietors, tenants and occupants of houses and other immovable property in the said city to which the corporation are ready to supply the water of the said water-works, whether the proprietors, tenants or occupants thereof consent or not to receive the said water, shall pay to the said corporation the annual rates fixed and established in virtue of any by-law already made or to be hereafter made by the said council.

Cost of intro-
ducing water.

211. The introduction of the said water into houses, stores, shops, offices, places of business, or other buildings in the said city, shall be performed by and at the expense of the corporation; but the distribution of the water through the said houses, stores, shops, offices, places of business, or other buildings, after being introduced into them, shall be borne by such proprietors or occupiers; provided that in every case where such proprietor shall refuse or neglect to make the expenses required for the distribution of the said water, and that the said council shall exact the payment of the water-rates from the tenant, then in every such case, such tenant may withhold from the said proprietor, out of the rents to be paid him for the property he occupies, the amount thus paid by such tenant, unless such tenant be bound towards the said proprietor, by his lease or otherwise, to make the expense required for the distribution of the said water; provided that in all cases where a building is now or shall hereafter be constructed at any distance from the line of the street, the corporation of the said city shall be held to lay the water distribution pipes to the line of the street only, and the said corporation shall have the right to exact the water-rate from the proprietor of such building, although the latter shall fail or neglect to connect the said distribution pipe with his building.

Proviso:

The water may
be cut off in
certain cases.

212. If any person supplied with water from the said water-works, shall cause or suffer any pipe, valve, cock,

cistern, water-closet, bath, or other apparatus to be out of repair, or to be so used or contrived as that, the water supplied from the water-works, be wasted, misused, or unduly consumed; or if any such person shall refuse or neglect to pay the rates lawfully imposed for the water supplied to him from the said water-works, for thirty days after the same are due and payable, the said corporation may cut off the water and cease to supply him with water so long as the cause of complaint is not remedied or removed; which shall not prevent the said rates from running as before, or exempt such defaulter from the payment of such rates as if the water continued to be supplied to him.

213. The cost of stoppage or suspension of the said supply shall be paid by the person, institution, or establishment in arrear as aforesaid. Cost of stoppage.

214. The arrears due as aforesaid shall be recoverable from any person, proprietor, tenant or occupant of any building to whom such water shall have been supplied as aforesaid. Arrears, from whom recoverable.

215. The said costs, and each and every sum due to the said water-works by virtue of the foregoing provisions shall be recovered in the recorder's court of the said city, in the manner prescribed by this act. Costs, how recoverable.

216. The said corporation shall have power to make a special agreement with parties interested for the supply of water, for any steam-engine, bath, brewery, distillery, manufacture, livery stable, hotel, hospital, nunnery, or other special case; and the said corporation shall have the right to notify the proprietor, tenant or occupant of any such brewery, distillery, manufactory, livery stable, hotel, or any building or establishment in which any steam engine shall be used, or in which it shall be considered that there is, or ought to be, more than an ordinary consumption of water, that the corporation does not intend to furnish him with water from the said water-works at the ordinary price, and thereupon the said corporation may cease to furnish water to the said proprietor, tenant or occupant, who shall also cease to be held liable for the payment of the said rate with regard to such property; but the said corporation and the said proprietor, tenant or occupant, may enter into an agreement, for any period not exceeding ten years, with respect to the rate or price at which the said water shall or may be furnished to the said property; and any such agreement, being reduced to writing and signed by both parties, shall be valid and binding. As to buildings where a more than ordinary supply is wanted.

Council may
exempt charit-
able institu-
tions from
water-rate.

217. The council of the said city may exempt from the the water rates, such charitable institutions in the said city, as the said council may see fit.

Officers may
enter premi-
ses.

218. The officers appointed by the council shall, at all reasonable hours, have the right to enter into any building or establishment, in respect of which any such agreement has heretofore been made or may hereafter be made, to see that the quantity of water stipulated for by the agreement, and no more, is furnished to the property.

Hydrometers
may be used.

219. The said council may cause hydrometers to be placed for the purpose of regulating, determining and measuring the quantity of water to be supplied by the said water-works, either to any house, building, public institution, court-house, gaol, hotel, house of public entertainment, distillery, manufactory or any other establishment supplied with water from the said water-works; and the said council may for that purpose pass any by-law which it may deem necessary.

Charge there-
for.

220. It may compel each and every proprietor, tenant or occupant of any such house, building, public institution, court-house, gaol, hotel, house of public entertainment, boarding-house, brewery, distillery, manufactory, or other establishment, to pay for the fitting up and rent of any hydrometer, such sum as may be determined by such by-law.

Proprietor
liable for
water-rate in
certain cases

221. In all cases of a dwelling-house in the said city, being tenanted by two or more tenants, sub-tenants or families, the said corporation may require from the proprietor of such house, that a separate and distinct service pipe be by him provided for each such tenant, sub-tenant or family, occupying separate apartments, so that the corporation may at all times have control over the supply of water furnished to each such tenant, sub-tenant or family, residing in the said house, the same as is practiced in cases of single tenanted houses; and if the said proprietor, after being notified in writing to that effect by the superintendent of the water-works, shall refuse or neglect to comply with the requirements hereof, within a reasonable delay, not to exceed fifteen days, such proprietor shall be responsible for, and liable to the payment of the rates imposed by the law for the water so supplied to the said tenants, sub-tenants or families, and such responsibility and liability, on the part of the said proprietor shall continue so long as he shall not comply with the requirements of this section.

Idem.

222. Such responsibility and liability shall apply, with equal force and effect, to any proprietor of a range of

dwelling-houses or tenements contiguous to one another in the said city, who shall refuse or neglect to provide each such house or tenement with a separate and distinct service pipe, after notice given to him, as aforesaid; such responsibility and liability shall also apply to the said proprietor in all cases where the number of tenants, sub-tenants or families in a dwelling-house as aforesaid, is such as that it be impossible to provide a separate service pipe for each of them, and it shall be lawful for the said corporation to exact from the said proprietor the ordinary water rates for each such tenant, sub-tenant or family.

MISCELLANEOUS.

223. The clerk of the city of Montreal, and the treasurer of the said city, may respectively affix their signature to the certificates and to the notices which they are required to give by sections fifty-four, fifty-five, eighty-six and ninety-two of this act, by stamping said signature thereon with a stamp to be previously approved by the council of the said city and used exclusively for that purpose; and the signature so affixed shall be, to all intents and purposes, as valid as if in the hand writing of the said clerk or of the said treasurer; and neither the authenticity of any such stamped signature, nor the authority of either of the said officers by whom the same may be so affixed shall be called in question, except on behalf of the said corporation; and except the officers above referred to, all persons are hereby prohibited, under the penalty herein after mentioned, from using the said stamped signatures, and any person knowingly, using, or uttering any stamped signature intended to represent the genuine stamped signature as aforesaid, shall, upon conviction before the recorder's court, be liable to a fine of one hundred dollars currency, and, in default of the immediate payment of such fine, to an imprisonment not exceeding two months, for each and every such offence, unless the said fine be sooner paid.

City clerk and
city treasurer
may sign, by
means of a
stamp, certain
notices.

gr supra 5/16
839 v ch 52-
312

224. The corporation of the said city shall have full power and authority to subscribe to such number of shares as the said corporation may deem expedient in the capital stock of any railway company, the establishment of which may, in their opinion, tend to promote the interests of the city, or to grant a bonus to such company, or to lend or guarantee the payment of any sum of money borrowed by such company from any corporation or person; the whole nevertheless subject to the limitation and conditions contained in sub-section five of section one hundred and fourteen of this act.

Aid to rail-
ways.

Power to elect
railway direc-
tors.

225. The council of the said city may choose and elect, independently of the mayor of the said city, who, according to law, is *ex officio* director, such number of directors, not exceeding three, as may be agreed between such company and the said corporation; such directors shall be chosen from among the members of the said council, and shall, concurrently with the mayor, act with the other directors of any company as aforesaid; they may exercise such rights as are hereby conferred upon them, so long as the amount subscribed or loaned by the said corporation, shall not have been re-imbursed; the said directors shall be chosen and elected, and, as occasion may require, removed and others chosen instead, and may enter into office, as soon as the by-law required by this act shall have gone through its final passing and the subscription made.

Power to ex-
tend the city
limits in the
municipality
of Hochelaga.

226. If any railway shall have its terminus or workshops in the eastern section of the said city, and shall connect the same with the harbour by a line running into the municipality of Hochelaga, or shall have its terminus and workshops within the municipality, the limit of the said city, may in that case be extended by the corporation of Montreal to a line to be drawn at a distance of ten arpents to the eastward of the point where such line joins the harbour, or where such workshops may be constructed and running from the river St. Lawrence parallel with the present line until it strikes a prolongation of the northern boundary line of the city. But before any portion of the municipality of Hochelaga is included within the limits of the said city of Montreal, the rate-payers of that portion must declare, by a vote of the majority, that they desire to be included within the said limits, but this shall only take place after the by-law to be made by the city council of Montreal authorizing any subscription in favor of the said railway shall have been voted upon and finally disposed of.

Power to estab-
lish a railway
line and cen-
tral terminus.

227. It shall be optional with the council of the said city, to aid railway companies in establishing a railway line or right of way, through the said city, to connect together the eastern and western extremities of the said city, and of the harbour of the said city, and a station or central terminus, within the limits of the said city, and, for such purpose, to acquire, by the ordinary process of expropriation, or by amicable settlement, the land required to establish the route of said railway line, and such station or central terminus; and power and authority are hereby granted to the said council to fix and determine the time and manner the locomotives and trains of the said companies shall pass on the said line, within the limits of the said city; and to regulate the kind of engines to be used by the said companies on the

said line, and to establish the conditions upon which the said companies may use the said line and station; and also to exact from such companies the payment of such duties, rates and tolls, as may be established by the said council, to defray the cost of the establishment of such railway line or right of way, and of such station or central terminus.

228. 1. The guage of all street railways to be laid and established by any company in the city of Montreal, is hereby fixed at four feet eight and one-half inches; Street rail-ways, Guage.

2. The pattern of rails which shall hereafter be laid on any street, railway tracks on the streets or other public places of the said city, shall be determined by the said council on a vote of the majority of the whole council; Pattern of rails.

3. The said company, in the laying of their tracks, shall conform to the grades of the streets upon or along which such tracks will run, as furnished by the city surveyor, and shall not in any way alter the said grades; Grades of streets to be preserved.

4. The location of the tracks of the said line of railway, in any of the said streets, shall not be made until the plans thereof, showing the position of the rails and other works to be done by the company in each street, shall have been submitted to and approved of by the road committee and the city surveyor; Company to submit plans.

5. The said company shall keep the tracks of their road in such condition that the said tracks shall not at any time be elevated above the surface of the street on which they are laid, so that vehicles can easily and freely, at all times, cross said tracks at all points and in any direction, without obstruction; To keep tracks in order.

6. The said company, as respects the grading, macadamizing and paving (in stone or wooden blocks,) of the streets in which they will construct their railway, shall be liable for, and shall keep in good repair the roadway, and two feet on each side of their rails; and when the said council shall order such macadamizing or paving to be renewed in any street or part of street on which the tracks of the said company are laid, the whole work shall be performed by the said corporation, and the said company shall pay to the said corporation their proportion of the cost of such work, including the cost of the crossings as aforesaid; Liability of company as regards the road-way, &c.

7. If the said company shall neglect or fail to comply with any of the foregoing provisions, or to perform any of the said works or repairs, as aforesaid, the city surveyor shall cause a notice to be served upon the said company requiring them to comply with such provisions, and to begin such works or repairs (to be specified in the said notice,) within two days after the service of the said notice, and to continue them uninterruptedly till completion; What? if company neglect to perform works or repairs.

Penalty.

8. If the said company shall neglect or fail to comply with the said provisions, and to perform the said works or repairs, as directed in the said notice, within the delay aforesaid, such company shall forfeit and pay a fine not exceeding one hundred dollars for every day such neglect or failure shall continue, after the expiration of the said delay; and it shall be the duty of the city surveyor in every such case to cause the necessary legal proceedings to be taken to recover from the said company the amount of such fine;

Number of
Passengers in
the cars,

9. The said company as regards the number of passengers to be admitted in each car, shall be subject to such regulations as the said council may determine by a vote of the majority of its members;

Charge limit-
ed to 5 cents.

10. It shall not be lawful for the said company to charge more than five cents for each passenger carried on their road from one point to any other in the said city;

Company to
furnish state-
ment of cost of
works.

11. So soon as the said company shall have completed their works, and are prepared to convey passengers on their tracks, they shall deliver to the city clerk, for the information of the said council, a detailed statement of the total cost of their works, the said statement to be certified under oath by the president and secretary of the said company;

Provisions not
applicable to
the M. C. P. R.
company.

12. The foregoing provisions shall not apply to any portion of the Montreal city passenger railway already constructed and opened to public use in this city at the passing of this act, nor to any rights already vested in the said Montreal city passenger railway company by anterior legislation or contracts save and except the provisions contained in the ninth sub-section of the present section.

Companies
may connect
with the
M. C. P. R.
company's
tracks on cer-
tain conditions.

229. 1. Any company having the right by letters patent, or act of incorporation, to run horse cars within the limits of the city of Montreal, may connect its tracks with the road or track of the Montreal city passenger railway company or of any other company, and use such track for a distance not to exceed three hundred feet; and whenever any such company, either by itself or by its lessees or assigns, enters upon and uses, under authority of law, in any manner, the road or track, or any portion thereof, of another such company, and the companies cannot agree upon the mode of such connection, or the manner and stated periods of such use, or the compensation to be paid therefor, the superior court, upon the petition of either party, and notice to the other, shall appoint three commissioners, not interested in the stock of either company, who, after ten days' notice to and hearing the parties interested, shall determine such rate of compensation, or fix the mode of such connection, or the manner and stated periods of such use, having reference to the convenience and interest of the companies and the public to be accommodated thereby,

Com. to be
appointed to
determine
amount of
indemnity.

and the award of the commissioners, or a major part of them, shall be binding upon the respective companies interested therein, until the same is revised or altered by other commissioners appointed in the same manner; but no such revision or alteration shall be made within one year after the last award;

2. Whenever commissioners are so appointed to determine the compensation to be paid for the use of the road or track of another company, they shall, if desired by either party, determine the compensation to be paid therefor, from the commencement of such use; excepting however, such period of time, if any, as is covered by the award of previous commissioners, or by agreement of the parties;

3. Whenever such entry upon and use of the tracks of another company are hereinafter made, the company so entering and using shall, until the rate of compensation is fixed by commissioners, or by agreement, pay monthly for such use, from the time of entry at such rate as the superior court shall, on petition of either party, and ten days' notice to the other, from time to time, order; but the rate of compensation thus fixed by the court, shall not be deemed in any manner, to preclude the judgment of commissioners as to the amount which ought justly to be allowed and paid for such use;

4. In case a company, so using the tracks of another company, fails to pay the monthly payment herein provided for, the further use of said tracks may be restrained from such use by the superior court, until all payments, in arrear, have been made or satisfactorily secured;

5. If the compensation fixed by the commissioners for such prior use of the tracks of any company, exceeds the rate previously fixed by the court under the third subsection, the excess shall be paid by the party using such tracks; and in case it falls below such rate, the difference shall be deducted from the compensation subsequently accruing;

6. In all cases heard before commissioners under the provisions of the preceding sub-sections, the expenses and costs, attending the same, including the compensation of the commissioners, shall be paid by such party, or divided between the parties, in such proportion as such commissioners determine;

7. The court appointing the commissioners, shall fix and award them, such compensation for their services and expenses as is deemed by the court just and reasonable, not exceeding six dollars per diem; provided, however, that not more than ten days shall be allowed for any one case;

8. No railway company shall have the right to place or lay its rails on or across any of the streets of the city of Montreal, save and except under the express permission of the council, had and obtained at a regular meeting thereof;

As to extent of indemnity.

Monthly instalments to be paid until com. determine amount of indemnity.

What? if company fails to pay.

Difference in the award of com. and that of the court, provided for.

Costs, how paid.

Fees of com.

No rails to be laid without the previous sanction of the council.

and all such companies shall be amenable to the by-laws of the corporation ; and for this purpose the council is empowered to pass any by-laws imposing such fine, in the nature of a penalty, as they may consider for the well being and safety of the citizens, or for the enforcement of the obligations of such railway company towards the city.

Chimney
sweepers.

230. It shall be lawful for the said council to grant to persons intending to pursue the occupation of chimney sweeping in the said city, or in any part thereof, a license to sweep chimneys for gain or hire in the said city, or in such part thereof as the license so to be granted may extend to, upon the payment of such duty or tax in that behalf, and upon such other terms and conditions as the said council may deem it expedient to impose; and from and after the passing of this act, no person shall, for gain or hire, sweep any chimney in the said city, or in any part thereof to be designated in such license, without having received from the said council a license to that effect ; such person so licensed, shall not sweep any chimney after the time for which his license shall be granted, or beyond the limits mentioned in such license, or charge, or receive either directly or indirectly, any greater sum for the sweeping of any chimney or for any work performed under such license, than he may be allowed to charge under the tariff to be established in that behalf, as hereinbefore provided ; the whole under a penalty not to exceed twenty dollars for each and every offence against any of the provisions of this section.

Tariff to be
made.

Licenses may
be revoked.

231. The said council may suspend or revoke any license granted to carters or drivers of public vehicles, in the said city ; to ferrymen plying to and from the said city ; to chimney-sweeps, and generally all licenses whatsoever granted by the said council, for any offence or cause of misconduct, or violation of any by-law relating to or concerning such persons holding any such licenses.

Council and
committees
authorized to
hold certain
investigations.

232. And whereas many cases arise of enquiries into facts before the said council, as well as before committees thereof, when the interests of justice would be promoted, if the witnesses brought forward could be examined on oath, and power were given to the said council and committees to compel the attendance of witnesses before them ; be it therefore enacted ; that upon any enquiry being entered into before the said council or any committee thereof, other than those already provided for by law, it shall be lawful, for the mayor or the acting-mayor of the said city, to issue his summons requiring any person to appear before the said council, or any committee thereof as aforesaid, for the pur-

pose of giving evidence touching the said enquiry or investigation ; and if any person so summoned shall neglect or refuse to appear at the time and place appointed by such summons, and no reasonable excuse for his absence shall be proved before the said council or committee, or if any person appearing in obedience to such summons, shall refuse to be examined on oath touching the said enquiry, it shall be lawful for the said mayor to enforce the attendance of such person, and to compel him to answer all lawful questions by the like means as are used for such purposes in the ordinary courts of civil jurisdiction in the province of Quebec ; and every person so neglecting or refusing to appear, or refusing to be examined on oath as aforesaid, shall, on conviction thereof before the recorder's court, forfeit and pay such sum of money not exceeding twenty dollars, or be liable to such imprisonment not exceeding thirty days, as to the recorder's court shall seem meet ; and the said mayor or acting-mayor, or the chairman of the said committee (as the case may be,) is hereby authorized to administer the oath to the said witnesses.

233. The notifications, generally, which are required to be given by this act, and specially the notices in relation to the water-works of the said city, or which are required to be given to parties supplied with water from the said works, may be given by the officer of the said council authorized to give the same, by public advertisement thereof in at least two newspapers published in the English language, and two newspapers published in the French language in the said city ; and such notices shall be published in each case for such period of time as may be deemed reasonable.

How notices
shall be
given.

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234. The said corporation as regards damages it may cause in the exercise of its powers, shall have the same responsibility as is imposed upon the said corporation, in and by the several acts hereinafter repealed.

As to damages
caused by cor-
poration.

235. If the day on which anything is to be done in conformity with this act happens to be a non-judicial day, such thing may be done with equal effect on the next judicial day thereafter.

Case of non-
judicial day

236. This act shall not in any manner restrict or affect the powers conferred upon the harbour commissioners of Montreal under the various acts relating to the said harbour.

Harbour com.

237. This act shall not affect in any manner the rights of Her Majesty, her heirs and successors.

Her Majesty's
rights.

Montreal
turnpike trust.

238. Nothing contained in this act shall be construed to revoke or in any manner affect the rights and powers by law vested in the Montreal turnpike trust; and in the event of the extension of the city limits contemplated in this act, causing any damage or injury to the said trust, said damages shall be ascertained and determined by amicable arrangement, arbitration, or in the manner relating to ordinary expropriation within the limits of the said city.

Aldermen.

239. From and after the passing of this act, every member of the council of the city of Montreal, with the exception of the mayor, shall have the title of alderman.

Interpretation.

240. 1. Whenever the following words occur in this act they shall be understood as meaning as follows:

Council.

2. The words "council," "city council," shall mean the council of the corporation of the city of Montreal, unless the context necessarily or plainly indicates a different meaning;

Mayor.

3. The words "mayor," "alderman," "aldermen," "members of the council," "clerk," "city clerk," "treasurer," "city treasurer," shall mean that the same are respectively the mayor, aldermen, councillors, members of the council, and the clerk and treasurer of the corporation of the city of Montreal;

Corporation.

4. The words "corporation," "said corporation," shall mean the corporation of the said city of Montreal;

Recorder's
court.

5. The words "recorder's court" shall mean the recorder's court of the city of Montreal; and the words "recorder," "said recorder" shall mean the recorder of the city of Montreal or his deputy;

City.

6. The words "city" or "said city" mean the city of Montreal or the corporation of the city of Montreal (as the case may be.) in conformity with the provisions of this act;

"One-third,"
"two-thirds"
of the council,
&c.

7. The words "one-third of the members composing the council," "two-thirds of the council, or of the members of the council," "a majority of the members of the council," shall respectively mean one-third, or two-thirds, or a majority at least, of the members composing the council of the city of Montreal, exclusive of the mayor of the said city;

Singular
number.

8. All words employed in the singular number, or in the masculine gender only, shall mean one or more matters and things of the same kind, and one or more persons, men and women, and bodies corporate, as well as private individuals, unless the contrary shall be specially stated, or that the context plainly or necessarily conveys a different meaning; and the word "shall" shall be considered imperative and the words "shall not" shall be prohibitory, and the word "may" shall be permissive.

"Shall"
"shall not" or
"may"

Acts repealed.
7 V., c. 44.

241. The following acts are hereby repealed, to wit: the seventh Victoria, chapter forty-four; fourteenth and

fifteenth Victoria, chapter one hundred and twenty-eight; 14, 15 V., c. 128.
 sixteenth Victoria, chapter twenty-six; 16 V., c. 26.
 chapter twenty-seven; 27, 127, 128,
 sixteenth Victoria, chapter one hundred and twenty-seven; 19 V., c. 70.
 sixteenth Victoria, chapter one hundred and twenty-eight; 23 V., c. 72.
 nineteenth Victoria, chapter seven-24 V., c. 67.
 ty; 25 V., c. 44.
 twenty-third Victoria, chapter seventy-two; 27, 28 V., c. 60.
 twenty-fifth Victoria, 29 V., c. 58.
 chapter forty-four; 29, 30 V., c. 56.
 twenty-seventh and twenty-eighth Vic-
 toria, chapter sixty; 31 V., c. 37.
 twenty-ninth Victoria, chapter fifty-32 V., c. 70.
 eight; 34 V., c. 37.
 twenty-ninth and thirtieth Victoria, chapter fifty-35 V., c. 32.
 six; 36 V., c. 34.
 thirty-first Victoria, chapter thirty-seven, (Leg. Prov. Quebec);
 thirty-second Victoria, chapter seventy, (Leg. Prov. Quebec);
 thirty-fourth Victoria, chapter thirty-seven, (Leg. Prov. Quebec);
 thirty-fifth Victoria, chapter thirty-two, (Leg. Prov. Quebec),
 and thirty-sixth Victoria, chapter fifty-four, (Leg. Prov. Quebec). —with the exception however of Proviso:
 sections twenty-three, eighty-five, eighty-six, eighty-seven,
 eighty-eight and eighty-nine of the said act fourteenth and
 fifteenth Vict., chapter one hundred and twenty-eight, and
 so much of section eighty of the same act as relates to the
 penalties imposed on persons giving false evidence in the
 recorder's court;—which said sections and part of section
 shall remain in full force, notwithstanding the repeal of
 the said last cited act.

242. The repeal of the acts mentioned and recited in the next preceding section shall not be understood as affecting any matter or thing done, or required to be done, resolutions, decisions, orders or other proceedings of the council of the said city, debentures, promissory notes, shares, or obligations issued, or by-laws, rules and regulations made under and by virtue of the said acts; but the said matters or things, debentures, promissory notes, obligations, by-laws, rules and regulations and the obligations of the corporation, and of every officer and servant in respect of the same, and the sinking fund to be provided, shall continue to be regulated by the said acts recited in the preceding section, until they shall be changed, altered, replaced or repealed by any proceeding adopted in virtue of this act, in which case all such matters and things, resolutions, decisions, orders or proceedings, debentures, promissory notes, obligations, rules, by-laws, regulations and orders, as the case may be, shall be regulated and controlled by this act. Saving clause as regards effect of such repeal.

243. Any matter or thing done, resolutions, decisions, orders or other proceedings of the said council, debentures, promissory notes, stock and obligations issued, and all by-laws or rules now in force in the city of Montreal, and made in conformity with the acts incorporating or relating to the incorporation of the said city, shall continue, and do con- Certain matters, resolutions, by-laws, &c., to remain in force.

tinue in full force and effect, to all intents and purposes, the same as if this act had never been passed until they shall be legally altered, amended, replaced or repealed, as the case may be, in virtue of this act.

Corporation to
continue
uninterrupt-
edly.

244. Nothing in this act contained shall be construed to dissolve the corporation composed of the inhabitants of the city of Montreal as heretofore existing under a different name; but the same shall be held and deemed to continue to exist by the name given to it in this act, and subject to the provisions of this act, being one and the same corporation with the corporation of the "city of Montreal."

Acts repealed
by repealed
acts to remain
repealed.

245. All acts and parts of acts repealed by the acts hereby repealed, and recited in section two hundred and forty-one of this act, shall be and remain repealed; and all acts and parts of acts inconsistent with the provisions of this act shall be, and are hereby repealed.

This act to
come into
force imme-
diately after
its sanction
with certain
exceptions.

246. This act shall come into force immediately after its sanction, with the exception of the provisions in relation to the registration of voters and the mode to be followed for the nomination and election of mayor and aldermen in the said city, which shall come into force only on the first November next; and till then, the voters' list to be made and revised, and the nomination and election of mayor and aldermen to be held, shall be so made and revised and so held, at the same period, and in the same manner as prescribed for the voters' list last made and revised, and for the nomination and election of mayor and councillors last held in the said city; and for that purpose the acts hereinbefore repealed, or such of them as relate to the registration of voters, the revision of the voters' list and the municipal elections, as aforesaid, shall, as regards such registration, revision, nomination and election only, remain in force until the said first day of November next; provided however, the formality of the certificate prescribed in and by the last cited acts and the obligation imposed upon the electors to obtain and fill up such certificate to enable them to vote, shall be done away with, and shall not apply to any municipal election to be held in the said city, prior to the first day of November next, as aforesaid; but each qualified elector may, at such election, present himself at the city hall, and then and there openly vote for the candidate for whom he desires and is entitled to vote; and his vote shall be registered accordingly; provided also, that the city clerk may, at any such election, provide in the city hall as many polling places for each ward in which there will be a contest, as may be deemed convenient: and shall procure suitable poll books to register the votes at such election;

and at the close of the polls, on the last day of such election, the board of revisors, hereinbefore established, shall meet in the city-hall, to ascertain the total number of votes recorded for each candidate, and shall duly report the same to the said council as hereinbefore provided.

247. The following schedules shall form part of this ^{Schedules of} act. ^{the present act.}

SCHEDULE A.

Oath of Mayor or Alderman.

(See Section 20.)

" I, A. B., having been elected mayor, (or Alderman, as the case may be) for the city of Montreal, do sincerely and solemnly swear, that I will faithfully fulfil the duties of the said office, according to the best of my judgment and ability ; and that I am seized and possessed, for my own use, of real estate, in the said city of Montreal, after the payment or deduction of my just debts, of the value of four thousand dollars, (or two thousand dollars, as the case may be,) and that I have not fraudulently or collusively obtained the same, or a title to the same, for the purpose of qualifying myself to be elected mayor, (or alderman, as the case may be,) as aforesaid : So help me God."

(Signature.)

SCHEDULE B.

Form of Notice to Electors of completion of the " Voters' List."

[See Section 30.]

CORPORATION OF MONTREAL.

VOTERS' LIST.

Public notice is hereby given that the municipal voters' list for the several wards of the city of Montreal, made by the assessors and checked by the city treasurer, according to law, has been delivered to the undersigned, and that the

said voters' list shall be kept in the office of the undersigned, in the city-hall, at the examination of all concerned, at reasonable hours, to wit : from ten o'clock, in the morning, till four o'clock, in the afternoon, every day, until the final revision thereof.

Public notice is hereby further given, that the board of revisors, appointed by law to revise the voters' list, will meet in the city hall, at the hour of ten o'clock, in the morning, on the fifth day of February next, and daily thereafter, at the same place and hour until all the said voters' list is revised and settled ; and that the revision of the said list shall be proceeded with in the following order, viz. :

The board will revise—

The lists of the east, centre and west wards, on the fifth of February next, (and so on, allotting one successive day for the revision of the list for each of the remaining wards of the said city) ;

And any elector who shall deem himself aggrieved by the omission of his name, in the said voters' list, or by any annotation set against his name by the city treasurer as aforesaid, or who may desire to object to any name on the said list, shall be held to appear, either personally, or through his representative, before the board of revisors, to make good his claim, on whichever of the above mentioned days that the list in which such elector is interested will be under revision.

(By order,)

(Signature,)

City Clerk.

City Clerk's Office, City Hall,

Montreal, (date.)

SCHEDULE C.

Form of Certificate of revision of the Voters' Lists.

[See Section 32.]

I, the undersigned, do hereby certify that the above list of voters for the electoral district number _____ in the ward of the city of Montreal, for the current year, has

been revised by the board of revisors, according to law, and that is the exact number of qualified municipal voters in the said electoral district.

(Signature,)

Chairman Board of Revisors.

City Clerk.

CITY HALL,

Montreal, 18

SCHEDULE D.

Commission of a Returning Officer or Poll Clerk.

[See Section 36]

To (*give name, occupation and residence,*) know you, that in my capacity of chairman of the board of revisors of the city of Montreal, I have appointed, and do hereby appoint you returning officer, (*or poll clerk, as the case may be,*) for the poll number of the electoral district, in the ward of the said city, to act in that capacity according to law, at the election of mayor (*or Alderman, as the case may be,*) to be held in the said city (*or ward, as the case may be, stating the particular ward in which the election is to take place,*) on the day of the month of

Given under my hand, at Montreal, this
day of the month of

(Signature.)

SCHEDULE F.

*Oath of Voters.**(See Section 38.)*

You swear (or solemnly affirm) that you are (*name, residence and occupation of voter, as entered on the list,*) whose name is entered on the list of voters now shown to you (*showing the list to the voter*), that you are of the full age of twenty-one years, that you have not before voted at this election, and that you have not received anything, nor has anything been promised to you, either directly or indirectly, in order to induce you to vote at this election: So help you God.

SCHEDULE G.

*Oath of Returning Officer or Poll Clerk.**(See Section 41.)*

I, the undersigned, having been appointed returning officer (*or poll clerk, as the case may be,*) for the poll number of the electoral district in the ward of the city of Montreal, do solemnly swear that I will act faithfully in my said capacity of returning officer (*or poll clerk, as the case may be,*) without partiality, fear, favor or affection: So help me God.

*(Signature,)*Returning Officer *or* Poll Clerk.

SCHEDULE H.

Certificate of the Returning Officer or Poll Clerk, having taken the Oath of Office.

(See Section 41.)

I, the undersigned, hereby certify that on the day of the month of , A. B., the returning officer (or poll clerk, as the case may be,) for the poll number of the electoral district, in the ward of the city of Montreal, took and subscribed before the mayor (or alderman, as the case may be, naming him,) the oath of office in such case required of a returning officer (or poll clerk as the case may be,) by the forty-first section of the act (*cite this act.*)

In testimony whereof, I have delivered to him this certificate.

(Signature,)

City Clerk.

SCHEDULE J.

Oath of the Returning Officer after the closing of the Poll.

(See Section 48.)

I, the undersigned, returning officer for the poll number of electoral district, in the ward of the city of Montreal, do solemnly swear that, to the best of my knowledge and belief, the poll book kept for the said poll under my direction, hath been kept so correctly; and that the total number of votes polled in such poll book is the number of , whereof C. D., a candidate, has polled votes, E. F., a candidate, has polled votes, (and so on, as the case may be,) and that, to the best of my knowledge and belief, it contains a true and exact record of the votes given and taken at the said poll.

(Signature,) A. B.,

Returning Officer.

Sworn and subscribed before me, at
Montreal, this day of the
month of in the year

(Signature,) X. Y.,

Mayor or Alderman.

SCHEDULE K.

*Oath of Assessors.**(See Section 73.)*

I, A. B., having been appointed assessor for the city of Montreal, do swear that I will faithfully, impartially, honestly, and diligently execute all the duties of the said office, according to the best of my judgment and ability: So help me God,

(Signature.)

SCHEDULE L.

*Form of Notice to Rate-payers,**(See Section 85.)*

Public notice is hereby given, that the assessment roll of the city of Montreal, for the ward of the said city, or the special roll of assessment for the (*specify the purpose for which such roll is made*) is completed, and is now deposited in the office of the undersigned, in the city hall. All persons whose names appear therein as liable for the payment of any assessment, tax or duty, are hereby required to pay the amount thereof to the undersigned, at his said office, within ten days from this day, without further notice.

(Signature,)

City Treasurer.

CITY HALL,

Montreal, (*date.*)

SCHEDULE M.

Form of Notice for the Collection of Taxes, &c.

(See Sections 86 and 92)

CORPORATION OF MONTREAL CORPORATION OF MONTREAL.

Mr.

Mr.

COPY OF ACCOUNT.

To the City of Montreal.

Notice Served, \$

To Assessment, &c., or Water
Rates, &c.

(Date of Notice.)

Costs \$

(Here state Account.)

Notice,

\$

SIR,

Take notice that, having failed to pay the above-mentioned sum within the time prescribed by public notice, you are hereby required, within fifteen days from the date hereof, to pay the same to me, at my office, together with the costs of this notice and service thereof, as below; in default whereof, execution will issue against your goods and chattels.

CITY HALL,
Montreal, (date.)

Costs \$

Notice,

(Signature,)
City Treasurer

SCHEDULE N.

Form of Warrant of Seizure.

(See Section 88.)

Province of Quebec, }
City and } IN THE RECORDER'S COURT OF THE
District of Montreal. } CITY OF MONTREAL.

The Recorder of the City of Montreal :

Debt	\$		
Costs.....			
Warrant.			
	\$		

To any Bailiffs of the Recorder's Court of the City of Montreal, in the said City and District of Montreal.

WHEREAS, A. B. (*name and designation of debtor*) hath been required by the treasurer of the said city of Montreal, to pay into his hands, for and on behalf of the said city, the sum of being the amount due by him to the said city, as appears by the assessment-roll of the said city, for the year 18 ; and whereas the said A. B. hath neglected and refused to pay unto the said treasurer, within the period prescribed by law, the said sum of ; these are therefore to command you forthwith to make distress of the goods and chattels of the said A. B. ; and if within the space of eight days after the making of such distress, the said mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do, on such day as shall be indicated to you by the said treasurer, sell the said goods and chattels so by you detained, and do pay the money arising from such sale unto the treasurer of the said city, that he may apply the same as by law directed, and may render the overplus, if any, on demand, to the said A. B., or others whom it may concern ; and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein as to the law doth appertain.

Given under the hand of the clerk of) Y. X.,
the said Recorder's Court, at Montreal, } Clerk of the
this day of in the year) Recorder's Court.

SCHEDULE O.

*Form of Notice of Sale of Goods and Chattels.**(See Section 59.)*

Public notice is hereby given, that on _____ next, the chattels of the parties hereinafter named and designated, now under seizure for non-payment of assessments (*or other dues, as the case may be,*) will be sold by public auction, at the hours and places hereinafter mentioned, to wit :

NAMES.	AMOUNT.	PLACE OF SALE. No. STREET.	HOURL OF SALE.

(Signature,)

CITY HALL,
Montreal, (*date.*)

City Treasurer.

SCHEDULE P.

*Form of Notice to Water Tenants.**(See Section 91.)*

Public notice is hereby given, that the water rates for the current year are now due; and all persons liable to pay the same, are hereby required to pay the amount thereof to the undersigned, at his office, within ten days from this date, without further notice.

(Signature,)

CITY HALL,
Montreal, (*date.*)

City Treasurer.

SCHEDULE Q.

Form of Certificate of Shares in Classes A and B of Consolidated Fund.

(See Section 108.)

CITY OF MONTREAL CONSOLIDATED FUND.

Classes A. or B.

PERMANENT STOCK.

CITY HALL,

Montreal,

18 .

CERTIFICATE No.

This is to certify that _____ of _____ at the date hereof, is the registered owner, in the books of the corporation of the city of Montreal, of _____ shares, of one hundred dollars each, in all amounting to _____ of the consolidated fund of the city of Montreal, (as detailed in the margin hereof,) established under the authority of the act of the legislature of Quebec, in the dominion of Canada, passed on the _____ day of _____ 18 . (_____ Vict., chap. _____,) intituled: (*give title of act*).

Upon the amount of shares in the said permanent stock standing enregistered to the credit of the owners thereof, in the books of the corporation of the city of Montreal, as aforesaid, the city of Montreal will pay interest semi-annually, at the rate of _____ per cent per annum, on the first days of May and November in each year.

Sealed with the seal of the corporation of the said city of Montreal, signed by the mayor, countersigned by the city clerk, and enregistered in the books of the said corporation by the treasurer of the said city, this _____ day of _____, 18 .

[L. S.]

Mayor.

City Clerk.

Registered book,

Folio,

City Treasurer.

Class A—Montreal Water Works Stock,
Class B—Montreal Public Property Stock,
In all, as certified herein,
Shares.
Shares.

SCHEDULE R.

Form of Certificate of Shares in Class C. of Consolidated Fund.

(See Section 108.)

CITY OF MONTREAL CONSOLIDATED FUND.

Class C.

TERMINABLE DEBENTURES.

CITY HALL,

Montreal, 18 .

CERTIFICATE No.

This is to certify that _____ of _____ is, at the date hereof, the registered owner, in the books of the corporation of the city of Montreal, of _____ shares of one hundred dollars each, in all amounting to _____ dollars, of the following terminable debentures of the consolidated fund of the city of Montreal, issued under the authority of the act of the legislature of Quebec, in the Dominion of Canada, passed on the _____ day of _____, 18 , (_____ Vict., chap. _____) intituled: (*give title of act*), viz: 1st issue of _____ payable

Upon the amount of the shares in the said terminable debentures standing enregistered to the credit of the owners thereof, in the books of the corporation of the city of Montreal, the corporation of the said city will pay interest semi-annually, at the rate of _____ per cent per annum, on the first days of May and November in each year. And the principal sum accruing at the maturity of the respective issues of the said terminable debentures will be redeemed in full, and paid to such parties as may stand enregistered proprietors in the books of the said corporation, twenty-five years after the date of the respective issues, authorized by virtue of the act hereinbefore stated.

Sealed with the seal of the corporation of the said city of Montreal, signed by the mayor, countersigned by the city clerk, and enregistered in the books of the said corporation by the treasurer of the said city, this _____ day of _____, 18 .

[L. S.]

Mayor.

City Clerk

Registered book,

Folio,

City Treasurer.

SCHEDULE S.

Form of Certificate of Transfer of Shares in Consolidated Fund.

(See Section 110.)

CITY OF MONTREAL CONSOLIDATED FUND.

CITY HALL,

Montreal,

18 .

This is to certify that Montreal,
has this day transferred in the books of the corporation of
the city of Montreal, to the credit of
of
shares of one hundred dollars each, in all amounting to
dollars of the consolidated fund
of the city of Montreal, under the following classes, viz. :

The said shares are transferable on the books of the cor-
poration of the said city or by endorsement by the said
or attorney
duly constituted.

City Treasurer.

SCHEDULE T.

Form of Transfer of Shares in Consolidated Fund.

(See Section 110.)

CITY OF MONTREAL CONSOLIDATED FUND.

For value received from
of do hereby assign and transfer
unto the said
shares of one hundred dollars each, amounting to the sum of
dollars in the consolidated fund
of the city of Montreal, viz. ;

of Montreal water works stock, (class A,) shares ; of Montreal public property stock, (class B,) shares; and Montreal terminable debentures (class C,) shares.

Witness my hand this _____ day
of _____ in the year one thousand
eight hundred and _____

Signed in presence of }
Witness. } Signature of parties transferring

SCHEDULE U

Form of Receipt of Transferable Certificates of Shares in the Consolidated Fund.

(See Section 111.)

Certificate _____ Shares.

No. _____

CITY OF MONTREAL CONSOLIDATED FUND.

Class.....

Montreal, 18 .

The undersigned being at this date the registered proprietor in the books of the corporation of the city of Montreal, of _____ share, class _____ of the *City of Montreal Consolidated Fund*, amounting to _____ dollars, acknowledge to have received in lieu thereof, and in

full satisfaction therefor, a transferable certificate for
 share , class , amounting to
 dollars of the said *City of Montreal Consolidat-
 ed Fund*, and which said transferable certificate is issued
 under the authority of the act of the legislature of the pro-
 vince of Quebec, passed in year of Her Majesty's
 reign Vict., Cap. .

(Signature,)

(Signature,)

Witness.

SCHEDULE V.

Form of Transfer (by endorsement) of Shares of Consolidated Fund.

(See Section 111.)

Certificate.

Shares.

No.

CITY OF MONTREAL CONSOLIDATED FUND.

Class.....

Montreal; 18 .

This certificate will entitle the bearer, on presentation and
 surrender hereof, to be inscribed on the books of the corpo-
 ration of the city of Montreal, as registered owner of
 shares, class of the *City of Montreal Consolidated
 Fund*, amounting to dollars : and the interest
 on the same, payable, at the rate of per cent *per
 annum*, semi-annually on the first days of May and November,
 will only be paid to the bearer hereof.

City Clerk.

Mayor.

Entered and Registered,

Folio,
 City Treasurer.

SCHEDULE W.

BORROWING POWERS OF THE CITY.

(See Section 119.)

PART I.

CITY OF MONTREAL CONSOLIDATED FUND.

Class.	PURPOSE.	Amount Dollars	Duration	Maximum Interest	Sinking Fund.
A	Montreal Water Works Stock	3,000,000	Perpetual	7 p. cent.	None.
B	Montreal Public Property Stock.....	1,000,000	Do.	"	"
C	Montreal Terminable Debentures.....	1,000,000	25 years.	"	2 p. cent.
	Total Dollars	5,000,000			

PART II.

FOR GENERAL PURPOSES.

	PURPOSE.	Amount Dollars.	Maximum Duration	Maximum Interest.	Maximum Sinking Fund.
1	Water Works	3,350,000	40 years.	7 p. cent.	2 p. cent.
2	Drainage.....	1,500,000	"	"	"
3	Street Paving and Sidewalks.	1,500,000	"	"	"
4	Railways	1,500,000	"	"	"
5	Mount Royal Park.....	1,000,000	"	"	"
6	City Hall.....	450,000	"	"	"
7	Street Opening and Widening.....	200,000	"	"	"
8	Police and Fire Stations.....	170,000	"	"	"
9	Slaughter Houses.....	100,000	"	"	"
10	Hospitals	50,000	"	"	"
11	Gaol for Females.....	25,000	"	"	"
12	Permanent Exhibition Buildings.....	25,000	"	"	"
	Total Dollars.....	9,870,000			

In addition to the above, the corporation is authorized by this act to borrow annually, subject to the approval and sanction of the municipal electors, a sum, not to exceed fifty thousand dollars in any one year, for any public improvement, or object, other than the ordinary improvements and requirements already authorized by this act.

NOTE.—The loans in part II respectively include the amounts already authorized under previous acts, (see schedule appended to the act of the legislature of Quebec, 36 Vict., cap. 54,) and represent the whole expenditure made or to be made out of such loans, up to the date of the passing of this act.

SCHEDULE X.

*Form of Certificate of the City Treasurer of Assessable Rate.**(See Section 121)*

I hereby certify, for the information of the council of the city of Montreal, that a rate of _____ on the assessed value of the real property liable to assessment in the said city, is in my opinion (after making a fair allowance for losses and deficiencies in the collection of such rate,) required to produce a net amount equal to that now due for interest, (principal, *if any due*) on the city of Montreal consolidated fund, or on any of the loans which the said city of Montreal is authorized to make.

CITY HALL,

(Signature,)

Montreal, (*date.*) _____

City Treasurer.

SCHEDULE Y.

*Form of Oath of Commissioners in Expropriation.**(See Section 176, s. 8. 7.)*

"I _____ having been appointed commissioner under
 "the provisions of the (*cite the act*) do swear that I will
 "faithfully, impartially, honestly, and diligently execute all
 "the duties of the said office, according to the best of my
 "judgment and ability : So help me God."



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